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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91214449
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

OMEGA S.A. (OMEGA AG)
(OMEGA LTD.),

Opposer,

v.

ALPHA OMEGA EPSILON, INC.,
Applicant.

Mark: AΩE

Opp. No.: 91214449 (Parent)

Serial No.: 85855823

OMEGA S.A. (OMEGA AG)
(OMEGA LTD.),

Opposer,

v.

ALPHA OMEGA EPSILON, INC.,
Applicant.

Mark: ALPHA OMEGA EPSILON

Opp. No.: 91214454 (Child)

Serial No.: 85855839

OMEGA S.A. (OMEGA AG)
(OMEGA LTD.),

Opposer,

v.

ALPHA OMEGA EPSILON, INC.,
Applicant.

Mark: ALPHA OMEGA EPSILON &
Design

Opp. No.: 91214452 (Child)

Serial No.: 85857062

OMEGA S.A. (OMEGA AG)
(OMEGA LTD.),

Opposer,

v.

ALPHA OMEGA EPSILON, INC.,
Applicant.

Mark: ALPHA OMEGA EPSILON

Opp. No.: 91214453 (Child)

Serial No.: 85857065

OPPOSER'S OPPOSITION TO APPLICANT'S MOTION FOR SUMMARY JUDGMENT

Opposer Omega SA (Omega AG) (Omega Ltd.) (hereinafter, ("Omega" or "Opposer")) respectfully submits this Opposition to Applicant's Motion for Summary Judgment.

I. INTRODUCTION

Applicant seeks summary judgment on Opposer's likelihood of confusion and dilution claims. Applicant disregards material factual issues in this case which preclude summary judgment with respect to likelihood of confusion and dilution.

Applicant's motion fails to address among other things, the fame of Opposer's mark. Opposer's contentions establish questions of fact for the purposes of summary judgment due to the overwhelming evidence regarding Opposer's marks and the fame of those marks.

There are also outstanding questions of fact regarding Applicant's effort to allege third-party use of trademarks which include the Greek letter Omega. The testimony of the third-party witnesses raises factual questions about the duration and extent of third-party use. In addition to these failings, the majority of Applicant's "undisputed facts" are either immaterial or unsupported by the cited evidence.

Applicant's failure to address or to give weight to certain questions of material fact, and Applicant's mischaracterization of certain other pertinent factors, require that Applicant's Motion for Summary Judgment be denied.

As for dilution, the Applicant has stated an incorrect standard of applicable law. Contrary to what Applicant argues, Opposer's burden is to prove that its mark was famous prior to the filing date of the opposed applications. Applicant's claims that Opposer cannot establish

the fame of its mark prior to 1983, are not relevant. The question of fact regarding Opposer's fame at the time Applicant's applications were filed precludes summary judgment. Moreover, Applicant has not met its burden of proving continuous use of the opposed mark in commerce.

Summary judgment as to both likelihood of confusion and dilution must be denied.

II. ARGUMENT

a. Summary Judgment Standard

Summary judgment is only appropriate where the record reveals that there is "no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(a). Applicant, as the moving party, bears the burden of establishing that there are no genuine issues of material fact in dispute. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323, 106 S. Ct. 2548, 91 L. Ed. 2d 265 (1986). A factual dispute is genuine if based on the evidence of record, a fact-finder could resolve the matter in favor of the nonmoving party. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248, 106 S. Ct. 2505, 91 L. Ed. 2d 202 (1986); see also *Opryland USA Inc. v. Great American Music Show Inc.*, 970 F.2d 847 (Fed. Cir. 1992). All evidence must be viewed in a light most favorable to the non-movant and all justifiable inferences must be drawn in the non-movant's favor. *Id.* "The Board may not resolve issues of material fact; it may only ascertain whether issues of material fact exist." *Pure Entm't, LLC v. Butter Licensing, LLC*, 2010 TTAB LEXIS 301, 10-11 (TTAB February 25, 2010).

b. Opposer Has Established Priority

In order to succeed in this opposition, Opposer must establish priority rights in its trademarks. See *Herbko Inter., Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1162 (Fed Cir. 2002).

These prior rights may arise from a prior registration, prior trademark or service mark use, prior use as a trade name, prior use analogous to trademark or service mark use, or any other use sufficient to establish prior rights. *Id.* Each of Opposer's cited federal trademark registrations predate Applicant's filing dates. Opposer has established its OMEGA brand through continuous use since 1894. *See* Affidavit of Thomas P. Gulick in Support of Opposer's Opposition to Applicant's Motion for Summary Judgment, ("Gulick Aff.") at ¶¶ 2-4, 6-7 and Exs. 1-3, 5-6. Applicant has not challenged Opposer's priority to the OMEGA trademarks. *See King Candy Co., Inc. v. Eunice King's Kitchen, Inc.*, 496 F.2d 1400, 182 USPQ 108 (CCPA 1974) (Applicant's alleged dates of first use are irrelevant where Opposer's prior registration is of record and there is no counterclaim for cancellation).

c. Applicant Fails to Establish that there is No Genuine Dispute As to Any Material Fact with Regard to Likelihood of Confusion and Dilution.

The Trademark Act prohibits registration of confusingly similar marks. The Applicant's Applications incorporate the entirety of Opposer's OMEGA or Ω marks.

Applicant's Motion for Summary Judgment must be denied in view of disputed material facts relevant to applicable *DuPont* factors. There are many facts in dispute related to most of the confusion factors including trade channels, the fame of Opposer's marks, relevant markets, consumer sophistication, and third-party usage of trademarks containing the word "omega" or Greek letter symbol. Furthermore, Applicant's position that the likelihood of confusion analysis can be decided on the similarity of the marks at this stage, without a full examination of the evidence related to the other factors, particularly the fame of Opposer's marks, is untenable. The Board cannot determine the weight to be given any particular factor without first considering the evidence related to all the factors.

FAME

Applicant's motion is void of any reference whatsoever to the fame of Opposer's OMEGA marks. *See generally*, D.E. 7. "[T]he fame of the prior mark, if it exists, plays a dominant role in the process of balancing the DuPont factors." *Bridgestone America Tire Operation, LLC v. Federal Corp.*, 673 F.3d 1330, 1334 (Fed. Cir. 2012) (quoting *Recot, Inc.*, 214 F.3d at 1327). As such, famous marks are "accorded more protection precisely because they are more likely to be remembered and associated in the public mind than a weaker mark." *Recot*, 214 F.3d at 1327. "When an opposer's trademark is a strong, famous mark, it can never be of little consequence. The fame of a trademark may affect the likelihood purchasers will be confused as less care may be taken in purchasing a product under a famous name." *Id.* (quoting *Specialty Brands, Inc. v. Coffee Bean Distribs., Inc.*, 748 F.2d 699, 675 (Fed. Cir. 1984)). Famous or strong marks enjoy a wide latitude of legal protection. *Kenner Parker Toys, Inc. v. Rose Art Industries, Inc.*, 963 F.2d 350, 352 (Fed. Cir. 1992).

Opposer has been using its OMEGA marks since 1894. *See* Gulick Aff. at ¶ 2 and Ex. 1. It expends significant sums of money on highly-visible advertisement efforts, is the subject of non-solicited media coverage, and is the official timekeeper for the Olympic Games. *See generally*, Gulick Aff. at ¶¶ 12-14 and Exs. 11-13.

Omega has not only been the official timekeeper of many Olympic Games beginning as early as 1932 (Los Angeles), but it has been the timekeeper more recently in 2006 (Torino), 2008 (Beijing), 2010 (Vancouver) and 2012 (London). *See* Gulick Aff. at ¶ 15 and Ex. 14.

The OMEGA Speedmaster watch was chosen by NASA to be worn by its astronauts in 1965 and it has been part of every NASA piloted mission since, including all six lunar landings.

OMEGA Speedmasters continue to be worn by the astronauts and scientists on the International Space Station. *See id.*

Omega has undertaken extensive advertisement campaigns featuring world-famous celebrities, including George Clooney, Michael Phelps, Nicole Kidman, Cindy Crawford, Buzz Aldrin, Anna Kournikova, Pierce Brosnan, Zhang Ziyi, and Sergio Garcia. Gulick Aff at ¶13, Ex. 12.

The OMEGA brand has been featured in numerous unpaid articles and editorial pieces in some of this country's most widely-circulated publications, such as *Allure*, *Elle Décor*, *GQ*, *Harper's Bazaar*, *Men's Vogue*, *Men's Journal*, *O*, *The Oprah Magazine*, *The New York Times Style Magazine*, *Esquire*, *The New York Times* and countless others. *See generally*, Gulick Aff. at ¶¶ 12-14 and Exs. 11-13.

Opposer has provided evidence to the Applicant regarding the sales of Opposer's OMEGA marks. Opposer has generated annual U.S. sales numbers of [REDACTED]

[REDACTED]

[REDACTED] *See* Gulick Aff. at ¶ 15 and Ex. 14.

In addition, Opposer has spent significant sums of money in marketing the OMEGA goods. The following is a listing of the amount of money spent on marketing:

[REDACTED]

See id.

The OMEGA mark is a famous mark. *See Omega SA v. National Mentoring Partnership, Inc./Mentor*, Opposition No. 91172812, D.E. 97 at pg. 23 (TTAB May 29, 2015) (non-precedential); *Omega SA (Omega AG) (Omega LTD.) v. FaLonda Hanif*, 2013 TTAB LEXIS 420, *17 (TTAB 2013) (non-precedential) (“we find that the mark OMEGA is famous. . .”). Applicant has not provided any evidence to contradict the fame of Opposer’s marks for likelihood of confusion purposes and, tellingly, ignores the importance of this factor entirely.

Consideration of the fame of a prior user’s mark is a critical inquiry when evidence on this factor is present. When a mark is famous, the degree of similarity of the marks required to find a likelihood of confusion is diminished. *See Kenner Parker Toys*, 963 F.2d at 353 (“the Lanham Act’s tolerance for similarity between competing marks varies inversely with the fame of the prior mark.”)

SIMILARITY OF THE GOODS

Opposer has long sold and distributed watches, jewelry, clothing, and numerous other goods under its OMEGA and Ω marks. Such goods are highly similar to the goods recited in the opposed applications. Applicant does not even address this important factor. Its omission can be construed as Applicant’s recognition that the goods are highly similar; this factor weighs strongly in favor of Opposer. *See ComponentOne, L.L.C. v. ComponentArt, Inc.*, 2008 U.S. Dist. LEXIS 87066, *94 (W.D. Pa. Oct. 27, 2008) (omission of evidence with regard to a factor found fatal to moving party’s summary judgment motion); *Lancome Parfums Et Beaute & Cie v. Lady In Red, Ltd.*, 1996 TTAB LEXIS 278, *2-4 (TTAB May 23, 1996) (applicant’s motion for summary judgment denied where it submitted no evidence in support of its motion and merely

offered arguments).

Applicant seeks registration for a Greek letter mark and the word mark ALPHA OMEGA EPSILON for "Headwear; Jackets; Shirts; Sweat shirts." *See* Trademark Application Ser. Nos. 85855823 and 85855839. Opposer is the owner of United States Trademark Registration No. 1,969,071 for "clothing, namely, scarves and neckties." *See* Gulick Aff. at ¶ 5 and Ex. 4.

The Greek letter application also includes jewelry. *See* Trademark Application Ser. No. 85855823. Opposer owns numerous registrations for watches and parts thereof. *See* Gulick Aff. at ¶¶ 2-6 and Ex. 1-5 (U.S. Reg. Nos. 25036, 566,370, and 578,041). This Board has previously found that watches are a form of jewelry, rendering the goods recited in the Application Serial No. 85855823 highly similar to Opposer's watches. *See e.g., In re Swiss Watch Int'l*, 2009 TTAB LEXIS 437 (TTAB June 10, 2009) (non-precedential); *Rolex Watch U.S.A., Inc. v. Teves*, 1997 TTAB LEXIS 408 *6-8 (TTAB Sept 4, 1997) (non-precedential).

Although the Applicant would like to recite a different standard to apply to its collective membership applications, the proper inquiry remains whether Opposer's goods and services and the Applicant's, as identified in the applications and registrations, are related. *Paula Payne Products v. Johnson Publishing Co.*, 473 F.2d 901, 177 USPQ 76, 77 (CCPA 1973). The fact that Opposer's Marks are used as trademarks and Applicant's marks, in part, are used as collective membership marks hardly precludes a finding of likelihood of confusion. *Boise Cascade Corp. v. Miss. Pine Mfrs. Ass'n*, 164 U.S.P.Q. (BNA) 364, 367 (TTAB 1969). The Applicant's marks and Opposer's OMEGA marks can be found on similar or closely related goods. *See supra* at p. 6-7. Specifically, Applicant uses its marks on goods such as watches, jewelry and pins in Class 014 and apparel in Class 025 in order to indicate membership. *See* Ser. Nos. 85855823 and 85855839; Gulick Aff. at ¶ 10 and Ex. 9, Devine Dep. 28:22-29:2; 35:2-15;

36:7-37:20. *See also In re Dimulias*, 2006 TTAB LEXIS 299, *7 (TTAB 2006) (noting third party registrations for both goods and collective membership evidence the relatedness of goods and collective membership). *See* D.E. 7 at page 9; Gulick Aff. at ¶ 11 and Ex. 10, Shaver Dep. 29:8-19 (fraternities and sororities use their marks on watches, jewelry and clothing). Opposer applies its OMEGA marks on watches and jewelry in Class 014 and apparel in Class 025. *See e.g.* Gulick Aff. at ¶ 2-5 and Exs. 1-4, U.S. Reg. Nos. 25036, 566,370, 578,041, and 1,969,071. Applicant's collective membership marks are used to indicate membership in a manner which is highly related, if not identical to Opposer's goods and services, thus favoring a likelihood of confusion. *See also Boise Cascade Corp.*, 164 U.S.P.Q. (BNA) at 367 (finding applicant's collective membership mark and opposer's trademark "are used both in the advertising of lumber and/or building products as well as on lumber and/or building materials," and refusing registration to applicant's collective membership mark on the basis of a likelihood of confusion); *In re Dimulias*, 2006 TTAB LEXIS 299 (TTAB 2006) (refusing registration to applicant's collective membership mark for a motorcycle club due to a likelihood of confusion with an existing registration for motorcycles).

The highly similar, and at least in part identical, nature of the parties' goods weighs strongly in Opposer's favor. Combined with the fame of the Opposer's OMEGA marks and the identical or highly similar nature of the parties' goods, the degree of similarity between the marks required to justify a finding of likelihood of confusion is relatively low. *Harry Winston, Inc. v. Bruce Winston Gem Corp.*, 111 U.S.P.Q.2D (BNA) 1419, 1447 (TTAB 2014); *In re Viterra Inc.*, 671 F.3d 1358, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Mighty Leaf Tea*, 601 F.3d 1342, 94 USPQ2d 1257, 1260 (Fed. Cir. 2010); *In re Max Capital Group Ltd.*, 93 USPQ2d 1243, 1248 (TTAB 2010); *Century 21 Real Estate Corp. v. Century Life of America*,

970 F.2d 874, 23 USPQ2d 1698, 1700 (Fed. Cir. 1992).

TRADE CHANNELS / CLASS OF PURCHASERS

When an identification of goods contains no limitations on the trade channels or consumers for the goods, the Board will presume the goods travel through all trade channels, and are targeted to all customers for those types of goods. *In re Jump Designs, LLC*, 80 USPQ2d 1370, 1374 (TTAB 2006); *In re Elbaum*, 211 U.S.P.Q. 639, 640 (TTAB 1981). It is similarly established that when the parties' goods are similar, as is the case here, there is a presumption that they travel through the same trade channels. *See In re Planet Bingo*, 2009 TTAB LEXIS 660, *4-5 (TTAB Oct. 20, 2009); *Genesco Inc. v. Martz*, 66 U.S.P.Q.2d 1260, 1268 (TTAB 2003); *In re Smith and Mehaffey*, 31 U.S.P.Q.2d 1531, 1532 (TTAB 1994) (where goods are similar and lack restrictions on identifications relating to trade channels and purchasers, the class of purchasers and channels of trade are presumed to be the same).

These presumptions hold true "regardless of what the record may reveal as to the particular nature of Applicant's goods, the particular channels of trade or the classes of purchasers to which sales of the goods are directed." *Octocom Sys., Inc. v. Houston Comp. Servs. Inc.*, 918 F.2d 937, 942 (Fed. Cir. 1990); *see also Stone Lion Capital Partners, L.P. v. Lion Capital LLP*, 746 F.3d 1317, 1323 (Fed. Cir. 2014). The Board is constrained to decide the question of registrability of Applicant's marks on the basis of the identification of goods set forth in the applications. *Octocom Sys., Inc.*, 918 F.2d at 942. "An application with 'no restriction on trade channels' cannot be 'narrowed by testimony that the applicant's use is, in fact, restricted to a particular class of purchasers.'" *Stone Lion Capital*, 746 F.3d at 1323 (quoting *Octocom Sys.*,

Inc., 918 F.2d at 943).

Even absent the presumptions applicable to trade channels and consumers for similar goods, the testimony elicited from Applicant's witnesses contradicts Applicant's assertions of a niche market. *See* Gulick Aff. at ¶ 10, Ex. 9, Devine Dep. 47:15-20 (Any one can purchase goods bearing ALPHA OMEGA EPSILON word or Greek letter mark), 48:8-11 (no limitation on who can purchase badges bearing Applicant's crest design); Gulick Aff. at ¶ 11, Ex. 10, Shaver Dep. 34-35 (no documents supporting niche market).

In addition, there are no restrictions on the price of the goods in any of the applications or registrations and thus, the Board must consider the goods as jewelry and apparel which can be sold at high or low prices. *See In re Bercut-Vandervoort & Co.*, 229 U.S.P.Q. (BNA) 763, 764-65 (TTAB 1986) (Board considered not only expensive wines sold to careful, discriminating wine connoisseurs through fine wine and spirits stores but also less expensive wine sold to ordinary consumers through liquor stores, grocery stores, supermarkets, drug stores and the like where the identification of goods was "wine."); *see also Octocom Sys., Inc.*, 918 F.2d at 943, 16 USPQ2d 1783.

With regard to collective membership marks, the question is whether Opposer's trade and service marks and Applicant's collective membership marks "would be encountered by relevant persons under circumstances that could, because of the similarity of the marks, lead those persons to mistakenly believe that there is some connection between [Opposer] and [Applicant]'s organization." *In re Code Consultants, Inc.*, 60 U.S.P.Q.2D (BNA) 1699, 1701 (TTAB 2001). "Relevant persons," in the context of a proceeding related to a collective membership mark, would consist of those persons or groups of persons for whose benefit the membership mark is displayed. *Carefirst of Md., Inc. v. FirstHealth of the Carolinas, Inc.*, 77 U.S.P.Q.2D (BNA)

1492, 1513 (TTAB 2005). Opposer's registrations contain no restrictions as to relevant consumers, and are thus presumed to target all classes of consumers within the general population, including association members. *See* Gulick Aff. at ¶ 2-7 and Exs. 1-6, U.S. Reg. Nos. 25036, 566,370, and 578,041, 1,969,071, 3,318,408, and 4,520,281; *see also Leading Jewelers Guild, Inc. v. LJOW Holdings, LLC*, 82 U.S.P.Q.2D (BNA) 1901, 1904 (TTAB 2007) (absent limitations in the registrations and applications, the Board must assume, for the purpose of the likelihood of confusion analysis, that "'low-end' and 'high-end' jewelry retailers, distributors, and vendors would encounter both plaintiff's collective membership mark and defendant's collective membership mark and service mark."). Given the unrestricted nature of the parties' registrations and applications, Applicant's collective membership marks and Opposer's trademarks are likely to be encountered by the same members of the relevant public. *See Carefirst of Md., Inc.*, 77 U.S.P.Q.2D (BNA) at 1513.

Applicant has created some arguments regarding trade channels, "niche" markets and disparate pricing, all of which ignore well-settled precedent that the likelihood of confusion analysis is limited in scope to the goods and services as disclosed in the Application. *See Octocom Sys., Inc.*, 918 F.2d at 942-43; *Stone Lion Capital Partners, L.P.*, 746 F.3d at 1323. Applicant does not and cannot overcome these presumptions; its arguments are unsupported by evidence and are not relevant. Applicant cites to no law to validate its attempt to overcome these presumptions where the recitation of goods contains no limitations.

The trade channels, relevant markets, and sophistication of consumers all weigh in favor of a likelihood of confusion.

SIMILARITY OF THE MARKS

Where the parties' goods are highly related, the degree of similarity of the marks, "necessary to support a conclusion of likely confusion declines." *Century 21 Real Estate Corp. v. Century Life of America*, 970 F.2d at 877. The degree of similarity required to support a likelihood of confusion is even lower when the trade channels, relevant markets and relevant consumers are identical. *Harry Winston, Inc.*, 111 U.S.P.Q.2D (BNA) at 1447.

The marks in the opposed applications incorporate Opposer's marks in their entirety. This leads to a high degree of similarity between the parties' marks. See "OMEGA" Reg. No. 566370 (Gulick Aff. at ¶3, Ex. 2) and Ω + OMEGA Reg. Nos. 25036, 578,041, 1,969,071, 3,318,408, and 4,520,281 (Gulick Aff. at ¶2, 4-7, and 11-12 and Ex. 1, 3-6). The fact that Opposer's mark is subsumed by Applicant's mark further increases the risk of confusion. See *In re Monfredo*, 2014 TTAB LEXIS 310 (TTAB July 22, 2014) (non-precedential); see also *In re West Point-Pepperell, Inc.*, 468 F.2d 200, 175 USPQ 558, 559 (CCPA 1972) (WEST POINT PEPPERELL and griffin design for fabrics and linens is likely to cause confusion with WEST POINT for woolen piece goods); *In re Whiteflash.com, Inc.*, 2009 TTAB LEXIS 616, * 7-11 (finding similarity of the marks WHITEFLASH ACA (stylized) and ACA where registrant's mark was wholly incorporated in applicant's mark) (non-precedential). The additional designs and wording, where Applicant's marks essentially incorporate the Opposer's registered marks, may not be sufficient to avoid confusion. See e.g. *In re Shatila*, 2010 TTAB LEXIS 190, 11 (TTAB May 20, 2010) (non-precedential).

THE NUMBER AND NATURE OF SIMILAR MARKS IN USE ON SIMILAR GOODS

Though Applicant's motion alleges that there are "dozens" of fraternities and sororities that include the Greek letter Omega in their name, Applicant did not introduce evidence of actual use. What the Applicant has introduced is evidence pertaining to use of marks incorporating the Omega (word and/or symbol) by six fraternities and sororities; evidence which is directly contradicted by the testimony of the third-party witnesses. This raises only one of many questions of material fact. Ultimately, Opposer expects the facts will lead the Board to sustain this opposition. For example, the declaration of third-party witnesses Smiley and Wampler are cited for the proposition that Alpha Tau Omega and Alpha Chi Omega have been using their respective marks on jewelry since 1865 and 1885, respectively, even though both witnesses in fact state that they did not have personal knowledge of such evidence. *See* Gulick Aff. at ¶¶ 8-9 and 11, Ex. 7-8 and 10, Wampler Dep. 9:25-10:15 and Smiley Dep. 7:16-20 and 32:7-33:11; Shaver Dep. 38:21-39:2 (no personal knowledge of dates of first use). Testimony where third party fraternity and sorority witnesses are unable to provide dates of first use of the Greek letter, word or crest marks for clothing or jewelry does cannot weigh in Applicant's favor. In other instances, it is unclear whether the goods are sold. *See* Gulick Aff. at ¶8 and Ex. 7, Smiley Dep. at 17:8-10 (indicating that badges are given away to members, not sold). There is also a lack of evidence regarding the extent and magnitude of sales, if any, by these third parties.

DILUTION

The record shows that material facts must be resolved with regard to dilution. Again,

Applicant ignores the fame of Opposer's marks. Meanwhile, the Opposer's evidence of record establishes Opposer's consistent history of significant U.S. advertising, its extremely high sales figures, a high degree of unsolicited media attention, its affiliation with world-renowned sporting events, including the Olympic Games, its association with NASA, and its association with and endorsements by a number of celebrities and historical figures. *See supra* at pp. 4-5. If not providing outright support for a finding that the OMEGA Marks enjoy widespread recognition among the general public and that the OMEGA brand is a "household name," this evidence, at the very least, raises triable issues of material fact regarding Omega's dilution claim. *See Chanel, Inc. v. Makarczyk*, 110 U.S.P.Q.2D (BNA) 2013, 2018 (TTAB 2014) (finding the CHANEL mark famous for dilution purposes based upon its U.S. advertising, high sales figures and high degree of unsolicited media attention). Given the importance of fame in the dilution analysis, Applicant's failure to even discuss fame as a threshold matter fails to support any allegation that there is no triable issue of fact.

Applicant has erroneously stated the Opposer's burden for proving fame. The Applicant as the moving party, must corroborate its date of first use in commerce by direct evidence. *Chanel, Inc. v. Makarczyk*, 110 U.S.P.Q.2D (BNA) 2013, 2023-2024 (TTAB 2014). Applicant has not established its alleged date of first use in U.S. commerce by direct evidence. *See generally* D.E.7. Applicant's witness could not substantiate Applicant's first use date. *See* Gulick Aff. at ¶ 10 and Ex. 9, Devine Dep. 103:25-104:4. Accordingly, Opposer may rely upon the filing date of Applicant's Applications as the constructive use date and need only establish that its mark was famous prior to the filing date of the applications at issue. *See Chanel, Inc.*, 110 U.S.P.Q.2D (BNA) at 2023-2024; *Coach Servs. v. Triumph Learning LLC*, 668 F.3d 1356, 1375 (Fed. Cir. 2012) (*quoting Toro Co. v. ToroHead, Inc.*, 61 U.S.P.Q.2d 1164, 1174 (TTAB

2001)).

The OMEGA marks have been in use in commerce in the United States since 1894. *See* Gulick Aff. at ¶ 2 and Ex. 1. Opposer's OMEGA marks have been in continuous use in the United States for well over a century. *Id.* at ¶¶ 2-5 and Ex. 1-4. Applicant filed its Applications in 2013. *See* Trademark Application Ser. Nos. 85855823, 85855839, 85857062, and 85857065. By 2013, Opposer's marks were already world renowned and recognized. *See* generally, Gulick Aff. at ¶¶ 12-15 and Exs. 11-14. Opposer has also presented facts regarding the similarity of the goods and the similarity of the marks. These facts preclude summary judgment in Applicant's favor on the issue of dilution.

APPLICANT'S UNDISPUTED FACTS ARE NOT MATERIAL

In its Motion for Summary Judgment, Applicant has set forth 12 statements of "material" fact for which it claims there is no dispute. D.E. 7 at pages 9-12. However, in large part, none of the facts alleged are material.

- As explained above, the opposition must be considered in light of the goods as recited in the applications and registrations. There are no limitations on the goods in Applicant's applications or Opposer's registrations. *See* Gulick Aff. at ¶¶ 2-7 and Ex. 1-6 and Ser. Nos. 85855823, 85855839, 85857062, and 85857065. Furthermore, the goods are similar and therefore are presumed to travel through the same trade channels, to similar customers, and at all price points. *See supra* at pp. 9-11. Therefore, Applicant's Fact Nos. 1 relating to price is immaterial.
- Applicant's Fact Nos. 2, 6, 7, 8, and 9 relating to the channels of trade and target market

are also immaterial and irrelevant to the Board's inquiry in these oppositions.

- Applicant's Fact No. 3 seeks to show claims of third party use. Applicant fails to provide proof of the extent and length of the alleged third party use, or even what marks are used. *See* Shaver Decl. ¶ 10. Applicant also refers to the Opposer's response to Interrogatory No. 12 in which Opposer acknowledges awareness of the existence of fraternities and sororities with Omega in their names. *See* D.E. 7, p. 7. Opposer's awareness does not amount to evidence of trademark use by these third parties. Similarly, Applicant's reference to some entity which it identifies as the Order of Omega (D.E. 7, p. 8 and Exhibit 7) is immaterial and irrelevant. Exhibit 7 was not produced by Applicant in discovery. Further, this has never been authenticated by declaration or affidavit, and is not the subject of any testimony. As such, Applicant's Exhibit 7 is entitled to little, if any evidentiary weight. In addition, Opposer specifically objects to the statements made by Mr. Shaver in his declaration, on this point, as there is no indication regarding his personal knowledge. Furthermore, third party fraternity and sorority witnesses were unable to provide any dates of first use of the Greek letter, word or crest marks for clothing or jewelry. *See* Gulick Aff. at ¶¶ 8-9 and 11, and Ex. 7-8, and 10, Wampler Dep. 9:25-10:15 and Smiley Dep. 7:16-20 and 32:7-33:11; Shaver Dep. 8:21-39:2. In some instances it is unclear whether the goods are even sold by third parties. *See* Gulick Aff. at ¶8 and Ex. 7, Smiley Dep. at page 17:8-10 (indicating that badges are given to members not sold).
- Applicant's Fact No. 4 is immaterial and irrelevant, as it relates to what goods other fraternities may sell.
- Applicant's Fact No. 8 contains no proof or evidence regarding the general public's

perception. There is neither a survey nor other admissible evidence to support Applicant's conclusions on public perception. The *New Era Cap* case cited by Applicant is not precedential and is clearly distinguishable. In the *New Era Cap* case, the Applicant's mark was the English alphabet letters "E" and "K" whereas the registered mark were the Greek letters pronounced Sigma Kappa. Here, both parties are using identical Greek letters; therefore, there is no difference in the pronunciation, sound or meaning of the Opposer's marks and the Applicant's. Applicant has not provided any testimony or survey evidence differentiating the marks' connotation or consumer perception.

- Applicant's Fact No. 10 is not a significant factor in the likelihood of confusion analysis. Opposer does not allege that Applicant had a bad faith intent in adopting its mark.
- Fact No. 11 is also largely irrelevant. The absence of actual confusion, by itself, does not indicate that there is no likelihood of confusion between the two marks. It is well settled that "the test is likelihood of confusion not actual confusion . . . It is unnecessary to show actual confusion in establishing likelihood of confusion." *Weiss Assocs. v. HRL Assocs.*, 902 F.2d 1546, 1549 (Fed. Cir. 1990) (citations omitted). Furthermore, the Board has acknowledged that evidence of actual confusion is very difficult to obtain. *Lebanon Seaboard Corp. v. R&R Turf Supply Inc.*, 2012 TTAB LEXIS 29, *28, 101 USPQ2d 1826, 1834 (TTAB Feb. 8, 2012). Applicant's Motion does not provide any context regarding the extent of its use in commerce. On the other hand, Applicant's witness, Amy Devine, testified as to little to no marketing expenditures and advertising. See Gulick Aff. at ¶ 10 and Ex. 9, Devine Dep. 52:6-11 and 58:15-21. This testimony alone raises a question of material fact as to whether there have been meaningful opportunities

for instances of actual confusion to have occurred in the marketplace. *Cunningham v. Laser Golf Corp.*, 222 F.3d 943, 55 USPQ2d 1842, 1847 (Fed. Cir. 2000); *Gillette Canada Inc. v. Ranir Corp.*, 23 USPQ2d 1768, 1774 (TTAB 1992).

- Finally, for Fact No. 12, Opposer can only hypothesize that Applicant's "material" fact is based on its misstatement of the law on page 19 of its Motion for Summary Judgment (claiming that Opposer must show that its mark was famous prior to 1983). *See* App.'s Motion for Summary Judgment at page 19 *citing Toro Co. v. ToroHead, Inc.*, 61 U.S.P.Q.2d 1164, 1183 n. 9 (TTAB 2001). Applicant ignores its burden and fails to prove and show first and continuous use of its marks in commerce. Thus, to prove dilution, Opposer must show that its mark was famous prior to the filing date of the application. *See Coach Servs. v. Triumph Learning LLC*, 668 F.3d 1356, 1375 (Fed. Cir. 2012). The *Coach* case involved an opposition (on dilution grounds, among others) to a use-based application with a date of first use prior to the date of the filing of the application. Thus, the Federal Circuit's decision is binding precedent with similar circumstances to the facts of this case and Opposer must show it was famous prior to 2013 (the filing date of the applications), not 1983. Thus, the entirety of Applicant's Fact No. 12 addressed a factual circumstance which is not relevant to a proper application of the legal standard on this point.

III. CONCLUSION

Though the facts as they now stand are tilting strongly toward proving the Opposer's pleaded issues, it cannot be said that there are no genuine issues of material fact. It certainly

cannot be said that the Applicant has made a case for summary judgment in its favor based upon a showing of undisputed material facts on the issues on which Applicant has moved for judgment. Opposer's mark is famous. Due to the overwhelming importance of the fame factor (for both likelihood of confusion and dilution), Applicant is precluded from showing undisputed facts in its favor to warrant summary judgment. Other factors, such as the similarity of the goods, based upon legal presumptions drawn from the record before the Board also weigh in Opposer's favor, not the Applicant's. Applicant's arguments with respect to trade channels, price, and consumers are also incorrect, again considering that the applications contain no limitations as to trade channels, price and types of consumers. It must be presumed, for purposes of this motion (and trial) that the goods travel through all channels, at all price points and to all consumers of the goods listed in the applications. Because Applicant has failed to establish why summary judgment should be granted, Applicant's motion must be denied.

Respectfully Submitted,

By: Thomas Gulick

Jess M. Collen
Thomas P. Gulick
Oren Gelber
Kristen Mogavero
COLLEN IP
THE HOLYOKE-MANHATTAN BUILDING
80 South Highland Avenue
Ossining, NY 10562
(914) 941-5668 Tel.
(914) 941-6091 Fax
Counsel for Opposer Omega SA (Omega AG)
(Omega Ltd.)

Date: July 20, 2015
JMC/TPG/rmw

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 03-2465.

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FILED THROUGH THE ELECTRONIC SYSTEM FOR TRADEMARK TRIAL AND APPEALS IN THE UNITED STATES PATENT AND TRADEMARK OFFICE.

COLLEN IP

By: Theresa Gulick Date: July 20, 2015

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

OMEGA S.A. (OMEGA AG)
(OMEGA LTD.),

Opposer,

v.

ALPHA OMEGA EPSILON, INC.,
Applicant.

Mark: AΩE

Opp. No.: 91214449 (Parent)

Serial No.: 85855823

OMEGA S.A. (OMEGA AG)
(OMEGA LTD.),

Opposer,

v.

ALPHA OMEGA EPSILON, INC.,
Applicant.

Mark: ALPHA OMEGA EPSILON

Opp. No.: 91214454 (Child)

Serial No.: 85855839

OMEGA S.A. (OMEGA AG)
(OMEGA LTD.),

Opposer,

v.

ALPHA OMEGA EPSILON, INC.,
Applicant.

Mark: ALPHA OMEGA EPSILON &
Design

Opp. No.: 91214452 (Child)

Serial No.: 85857062

OMEGA S.A. (OMEGA AG)
(OMEGA LTD.),

Opposer,

v.

ALPHA OMEGA EPSILON, INC.,
Applicant.

Mark: ALPHA OMEGA EPSILON

Opp. No.: 91214453 (Child)

Serial No.: 85857065

AFFIDAVIT OF THOMAS P. GULICK

I, Thomas P. Gulick, being first duly sworn upon oath state as follows:

1. My name is Thomas P. Gulick and I am an attorney at the law firm of Collen *IP*, attorneys of record for Opposer, Omega SA (Omega AG) (Omega Ltd.) (“Omega” or “Opposer”) in the above-referenced matter. I have personal knowledge of the facts contained in this affidavit.
2. Attached as Exhibit 1 is a true and correct copy of Opposer’s U.S. Trademark Registration No. 25,036.
3. Attached as Exhibit 2 is a true and correct copy of Opposer’s U.S. Trademark Registration No. 566,370.
4. Attached as Exhibit 3 is a true and correct copy of Opposer’s U.S. Trademark Registration No. 578,041.
5. Attached as Exhibit 4 is a true and correct copy of Opposer’s U.S. Trademark Registration No. 1,969,071.
6. Attached as Exhibit 5 is a true and correct copy of Opposer’s U.S. Trademark Registration No. 3,318,408.
7. Attached as Exhibit 6 is a true and correct copy of Opposer’s U.S. Trademark Registration No. 4,520,281.
8. On April 9, 2015, I deposed Wynn Smiley, Chief Executive Officer of third party Alpha Tau Omega, Inc. Attached as Exhibit 7 is a true and correct copy of the relevant portions of Mr. Smiley’s deposition.
9. On April 9, 2015, I deposed Janine Wampler, former Marketing and Communications Director of Alpha Chi Omega. Attached as Exhibit 8 is a true and correct copy of the relevant portions of Ms. Wampler’s deposition.

10. On June 1, 2015, I deposed Amy Devine, the International Executive Board president of Alpha Omega Epsilon. Attached as Exhibit 9 is a true and correct copy of the relevant portions of Ms. Devine's deposition.
11. On June 18, 2015, I deposed Daniel Shaver, the President and CEO of Affinity Marketing Consultants. Attached as Exhibit 10 is a true and correct copy of the relevant portions of Mr. Shaver's deposition.
12. Omega has conducted numerous advertising campaigns. Attached as Exhibit 11 is a true and correct copy of a press release from Omega, dated October 14, 2009 entitled *Omega announces worldwide Co-Axial Advertising Campaign* and samples of advertisements featuring OMEGA branded goods and celebrity endorsers.
13. Omega has received numerous unsolicited media coverage and articles. Attached as Exhibit 12 is a true and correct copy of a representative sample of articles and media coverage featuring OMEGA.
14. Attached as Exhibit 13 is a true and correct copy of relevant portions of the English translation of the book, *Omega: A Journey Through Time* by Marco Richon.
15. Attached as Exhibit 14 is a true and correct copy of relevant documents produced by Omega in response to Applicant's Request for Production of Documents and Things.

Respectfully Submitted,

Dated: July 20, 2015



Thomas P. Gulick

EXHIBIT 1

original

Renewed to
Societe Anonyme Louis Brandt & Frere Omega Watch Co.
Renewed July 24-1944 to Societe Anonyme Louis Brandt
& Frere Omega Watch Co., an organized company of
Switzerland.

UNITED STATES PATENT OFFICE.

LOUIS BRANDT & FRÈRE, OF BIENNE, SWITZERLAND.

TRADE-MARK FOR WATCH-MOVEMENTS AND WATCHCASES.

STATEMENT and DECLARATION of Trade-Mark No. 25,036, registered July 24, 1894.

Application filed May 23, 1894.

STATEMENT.

To all whom it may concern:

Be it known that we, LOUIS BRANDT & FRÈRE, a firm domiciled and doing business in Bienne, Switzerland, have adopted for our
5 use a Trade-Mark for Watch-Movements and Watchcases, of which the following is a full, clear, and exact specification.

Our trade-mark consists of the arbitrary sign of the last letter of the Greek alphabet.
10 This has generally been arranged as shown in the accompanying fac-simile, in which it appears above the word "Omega." But it may be differently arranged and the word "Omega" may be omitted without materially altering
15 the character of our trade-mark, the essential feature of which is the Greek letter "Ω."

This trade-mark has been continuously used by us in our business since March 10, 1894.

The class of merchandise to which this trade-mark is appropriated is horology, and the particular description of goods comprised in such
20 class on which it is used by us is watch-movements and watch-cases. It is usually affixed to the goods by stamping or by printing it upon suitable labels which are after-
25 ward placed upon the packages containing the articles.

Signed this 2d day of May, 1894.

LOUIS BRANDT & FRÈRE.

Witnesses:

EDOUARD HAAS,
ALF. H. BESSIR.

DECLARATION.

United States consulate Berne Switzerland ss.

LOUIS PAUL BRANDT being duly sworn deposes and says that he is a member of the firm of LOUIS BRANDT AND FRÈRE, the applicants
5 named in the foregoing statement; that he verily believes that the foregoing statement is true; that the said firm has at this time a right to the use of the trade-mark therein described; that no other person, firm or corporation has
10 the right to such use, either in the identical form or in any such near resemblance thereto as might be calculated to deceive; that it is

used by the applicants in commerce between the United States and foreign nations and particularly with Switzerland; and that the description and fac-simile presented for record
15 truly represent the trade-mark sought to be registered.

LOUIS PAUL BRANDT.

Sworn to and subscribed before me this 14th day of June, 1894.

[L. s.]

JOHN E. HINNEN,
U. S. Vice-Consul.

Republished, under the Act of 1946, Jan. 17, 1950, by
Omega Louis Brandt & Frere, S. A., Bienne, Switzerland.

New Certificate issued November 18, 1952, under Sec. 7c for unexpired term to Omega Louis Brandt & Frere S. A., of Bienne, Switzerland, a corporation of Switzerland, by change of name from Societe Anonyme Louis Brandt & Frere Omega Watch Co.

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Mark: OMEGA



US Serial Number: 70025036

Application Filing Date: May 23, 1894

US Registration Number: 25036

Registration Date: Jul. 24, 1894

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Jul. 26, 2014

Mark Information

Mark Literal Elements: OMEGA

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Design Search Code(s): 28.01.05 - Alpha (Greek letter); Omega (Greek letter); Greek characters

Related Properties Information

Publish Previously Yes

Registered Mark:

Previously Registered Jan. 17, 1950

Mark Publication Date:

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: WATCH MOVEMENTS AND WATCH CASES

International Class(es): 014

U.S Class(es): 027 - Primary Class

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 10, 1894

Use in Commerce: Mar. 10, 1894

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: OMEGA SA (OMEGA AG) (OMEGA LTD.)

Owner Address: Jakof-Stämpfli-Strasse 96
Biel/Bienne 2502
SWITZERLAND

Legal Entity Type: CORPORATION

State or Country Where
Organized: SWITZERLAND

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jess M. Collen **Docket Number:** 27540
Attorney Primary Email Address: trademark@collenip.com **Attorney Email Authorized:** Yes

Correspondent

Correspondent Name/Address: Jess M. Collen
COLLEN IP Intellectual Property Law, P.C.
80 South Highland Avenue
THE HOLYOKE MANHATTAN BUILDING
Ossining, NEW YORK 10562
UNITED STATES
Phone: 914-941-5668
Correspondent e-mail: trademark@collenip.com **Correspondent e-mail Authorized:** Yes

Domestic Representative

Domestic Representative Name: Jess M. Collen **Phone:** 914-941-5668
Domestic Representative e-mail: trademark@collenip.com **Domestic Representative e-mail Authorized:** Yes

Prosecution History

Date	Description	Proceeding Number
Jul. 26, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Jul. 26, 2014	REGISTERED AND RENEWED (SIXTH RENEWAL - 10 YRS)	68335
Jul. 26, 2014	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	68335
Jul. 24, 2014	TEAS SECTION 8 & 9 RECEIVED	
Jun. 10, 2008	NOTICE OF SUIT	
May 02, 2007	CASE FILE IN TICRS	
Jul. 26, 2006	REVIEW OF CORRESPONDENCE COMPLETE	59315
Oct. 20, 2004	PAPER RECEIVED	
Sep. 23, 2004	REGISTERED AND RENEWED (FIFTH RENEWAL - 10 YRS)	
Sep. 23, 2004	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jul. 15, 2004	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Sep. 17, 1985	REGISTERED AND RENEWED (FOURTH RENEWAL - 20 YRS)	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted
Affidavit of Incontestability: Section 15 - Accepted
Renewal Date: Jul. 24, 2014

TM Staff and Location Information**TM Staff Information - None****File Location**

Current Location: GENERIC WEB UPDATE **Date in Location:** Jul. 26, 2014

Assignment Abstract Of Title Information**Summary**

Total Assignments: 2 **Registrant:** LOUIS BRANDT & FRERE

Assignment 1 of 2

Conveyance: CHANGE OF NAME 19820324
Reel/Frame: [0440/0955](#) **Pages:** 0
Date Recorded: May 20, 1983
Supporting Documents: No Supporting Documents Available

Assignor	
Name: TIPP-EX FABRIKATION WOLFGANG DABISCH CHANGED TO	Execution Date: Mar. 24, 1982
Legal Entity Type: UNKNOWN	State or Country Where Organized: No Place Where Organized Found
Name: TIPP-EX TECHNIK WOLFGANG DABISCH CHANGED TO	Execution Date: Not Found
Legal Entity Type: UNKNOWN	State or Country Where Organized: No Place Where Organized Found
Assignee	
Name: WOLFGANG DABISCH	
Legal Entity Type: UNKNOWN	State or Country Where Organized: No Place Where Organized Found
Address: No Assignee Address Found	
Correspondent	
Correspondent Name: HENRY L. SHENIER	
Correspondent Address: 380 LEXINGTON AVE. NEW YORK, NY 10168	
Domestic Representative - Not Found	
Assignment 2 of 2	
Conveyance: CHANGE OF NAME 19820624	
Reel/Frame: 0444/0955	Pages: 3
Date Recorded: May 05, 1983	
Supporting Documents: No Supporting Documents Available	
Assignor	
Name: OMEGA LOUIS BRANDT & FRERE S.A.	Execution Date: Mar. 16, 1983
Legal Entity Type: UNKNOWN	State or Country Where Organized: No Place Where Organized Found
Assignee	
Name: OMEGA SA (OMEGA AG) (OMEGA LTD.)	
Legal Entity Type: UNKNOWN	State or Country Where Organized: No Place Where Organized Found
Address: No Assignee Address Found	
Correspondent	
Correspondent Name: HENRY L. SHENIER	
Correspondent Address: SHENIER & O'CONNOR 380 LEXINGTON AVE. NEW YORK, NY 10168 SHENIER AND O'CONNOR	
Domestic Representative - Not Found	

EXHIBIT 2

Registered Nov. 4, 1952.

Registration No. 566,370

PRINCIPAL REGISTER
Trade-Mark

UNITED STATES PATENT OFFICE

Omega Louis Brandt & Frère, S. A.,
Bienne, Switzerland

Act of 1946

Application December 8, 1951, Serial No. 622,275

OMEGA

STATEMENT

Omega Louis Brandt & Frère, S. A., a Swiss corporation, located and doing business at Bienne, Switzerland, has adopted and is using the trade-mark shown in the accompanying drawing, for WATCHES AND PARTS THEREOF, in Class 27, Horological instruments, and presents herewith five specimens showing the trade-mark as actually used in connection with such goods, the trade-mark being applied by stamping, printing or engraving the same on the goods and by printing the same on the containers and/or tags attached to the goods, and requests that the same be registered in the United States Patent Office on the Principal Register in accordance with the act of July 5, 1946.

The trade-mark was first used in 1894 and was first used in commerce which may lawfully be regulated by the Congress, viz. commerce between the United States and Switzerland in the same year.

Applicant owns the following U. S. registration: No. 25,036.

The applicant hereby designates Chauncey P. Carter, of 4400 Klingie Street, Washington 16, D. C., as applicant's representative in the United States on whom notices or process in proceedings affecting the mark may be served.

OMEGA LOUIS BRANDT & FRÈRE, S. A.,

By A. VALLAT,
Commercial Manager.

COMB. AFF. SEC. 8 & 15

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Mark: OMEGA

OMEGA

US Serial Number: 71622275

Application Filing Date: Dec. 08, 1951

US Registration Number: 566370

Registration Date: Nov. 04, 1952

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Nov. 04, 2012

Mark Information

Mark Literal Elements: OMEGA

Standard Character Claim: No

Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

Related Properties Information

Claimed Ownership of US Registrations: 0025036

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: WATCHES AND PARTS THEREOF

International Class(es): 014

U.S Class(es): 027 - Primary Class

Class Status: ACTIVE

Basis: 1(a)

First Use: 1894

Use in Commerce: 1894

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: OMEGA SA (OMEGA AG) (OMEGA LTD.)

Owner Address: JAKOB-STAMPFLI-STRASSE 96
2502 BIEL/BIENNE
SWITZERLAND

Legal Entity Type: CORPORATION

State or Country Where Organized: SWITZERLAND

Attorney/Correspondence Information

Attorney of Record

Attorney Name: JESS M. COLLEN

Docket Number: 27470

Attorney Primary Email Address: trademark@collenip.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: JESS M. COLLEN
COLLEN IP, INTELLECTUAL PROPERTY LAW, P.C.
80 SOUTH HIGHLAND AVENUE
The Holyoke-Manhattan Building
OSSINING, NEW YORK 10562
UNITED STATES

Phone: (914) 941-5668

Fax: (914) 941-6091

Correspondent e-mail: trademark@collenip.com

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: JESS M. COLLEN

Phone: (914) 941-5668

Fax: (914) 941-6091

Domestic Representative e-mail: trademark@collenip.com

Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Oct. 07, 2013	NOTICE OF SUIT	
Aug. 06, 2013	NOTICE OF SUIT	
Nov. 05, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Nov. 04, 2012	REGISTERED AND RENEWED (FOURTH RENEWAL - 10 YRS)	68335
Nov. 04, 2012	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	68335
Nov. 02, 2012	TEAS SECTION 8 & 9 RECEIVED	
Jan. 29, 2009	CASE FILE IN TICRS	
Jun. 10, 2008	NOTICE OF SUIT	
Mar. 04, 2003	REGISTERED AND RENEWED (THIRD RENEWAL - 10 YRS)	
Mar. 04, 2003	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Nov. 04, 2002	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Oct. 25, 2002	REGISTERED - SEC. 9 FILED/CHECK RECORD FOR SEC. 8	
Oct. 25, 2002	PAPER RECEIVED	
Dec. 08, 1992	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	
Oct. 01, 1992	REGISTERED - SEC. 9 FILED/CHECK RECORD FOR SEC. 8	
Nov. 04, 1972	REGISTERED AND RENEWED (FIRST RENEWAL - 20 YRS)	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Nov. 04, 2012

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Nov. 04, 2012

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: OMEGA LOUIS BRANDT & FRERE, S.A.

Assignment 1 of 1

Conveyance: CHANGE OF NAME 19820624

Reel/Frame: [0582/0575](#)

Pages: 3

Date Recorded: Nov. 13, 1987

Supporting Documents: No Supporting Documents Available

Assignor	
Name: OMEGA LOUIS BRANDT & FRERE S.A.	Execution Date: Apr. 15, 1987
Legal Entity Type: UNKNOWN	State or Country Where Organized: No Place Where Organized Found
Assignee	
Name: OMEGA SA (OMEGA AG) (OMEGA LTD.)	State or Country Where Organized: No Place Where Organized Found
Legal Entity Type: UNKNOWN	
Address: No Assignee Address Found	
Correspondent	
Correspondent Name: SHENIER & O'CONNOR	
Correspondent Address: 122 EAST 42ND STREET NEW YORK, NY 10168	
Domestic Representative - Not Found	

EXHIBIT 3

Int. Cl.: 14

Prior U.S. Cl.: 27

Reg. No. 578,041

United States Patent and Trademark Office

Registered July 28, 1953

10 Year Renewal

Renewal Term Begins July 28, 1993

**TRADEMARK
PRINCIPAL REGISTER**



OMEGA SA (OMEGA AG) (OMEGA LTD.) (SWITZERLAND CORPORATION) BIENNE, SWITZERLAND, BY CHANGE OF NAME FROM OMEGA LOUIS BRANDT & FRERE, S.A. (SWITZERLAND CORPORATION) BIENNE, SWITZERLAND

OWNER OF U.S. REG. NOS. 25,036 AND 566,370.

FOR: WATCHES (INCLUDING POCKET WATCHES, WRIST WATCHES

WITH OR WITHOUT STRAPS, BANDS OR BRACELETS, PENDANT WATCHES, CALENDAR WATCHES, AND STOP-WATCHES) EITHER STEM-WIND OR AUTOMATIC; CLOCKS; CHRONOMETERS, CHRONOGRAPHS, AND PARTS FOR ALL OF THE FOREGOING, IN CLASS 27 (INT. CL. 14).

FIRST USE 0-0-1894; IN COMMERCE 0-0-1894.

SER. NO. 71-637,074, FILED 10-23-1952.

In testimony whereof I have hereunto set my hand and caused the seal of The Patent and Trademark Office to be affixed on June 21, 1994.

COMMISSIONER OF PATENTS AND TRADEMARKS

Registered July 28, 1953

Registration No. 578,041

PRINCIPAL REGISTER

Trade-Mark

UNITED STATES PATENT OFFICE

Omega Louis Brandt & Frère, S. A.,
Bienne, Switzerland

Act of 1946

Application October 23, 1952, Serial No. 637,074



STATEMENT

Omega Louis Brandt & Frère, S. A., a Swiss corporation, located and doing business at Bienne, Switzerland, has adopted and is using the trade-mark shown in the accompanying drawing, for WATCHES (INCLUDING POCKET WATCHES, WRIST WATCHES WITH OR WITHOUT STRAPS, BANDS OR BRACELETS, PENDANT WATCHES, CALENDAR WATCHES, AND STOPWATCHES) EITHER STEM-WIND OR AUTOMATIC; CLOCKS; CHRONOMETERS, CHRONOGRAPHS, AND PARTS FOR ALL OF THE FOREGOING, in Class 27, Horological instruments, and presents herewith five specimens showing the trade-mark as actually used in connection with such goods, the trade-mark being applied to the goods; to tags or labels fastened to the goods; or to the containers, and requests that the same be registered in the United States

Patent Office on the Principal Register in accordance with the act of July 5, 1946.

The trade-mark was first used in 1894, and was first used in commerce which may lawfully be regulated by Congress, viz., commerce between the United States and Switzerland in the same year. Such first usage was on watches.

Applicant owns the following U. S. registrations: Nos. 25,036 and 566,370.

The applicant hereby designates Chauncey P. Carter, of 4400 Klinge Street, Washington 16, D. C., as applicant's representative in the United States on whom notices or process in proceedings affecting the mark may be served.

OMEGA LOUIS BRANDT &
FRÈRE, S. A.,

By ADOLPHE VALLAT,
Commercial Manager.

COMB. AFF. SEC. 8 & 15

FEB 2 - 1959

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Mark: OMEGA



US Serial Number: 71637074
US Registration Number: 578041
Register: Principal
Mark Type: Trademark
Status: The registration has been renewed.
Status Date: Jul. 05, 2013

Application Filing Date: Oct. 23, 1952
Registration Date: Jul. 28, 1953

Mark Information

Mark Literal Elements: OMEGA
Standard Character Claim: No
Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)
Design Search Code(s): 28.01.05 - Alpha (Greek letter); Omega (Greek letter); Greek characters

Related Properties Information

Claimed Ownership of US Registrations: 0025036, 0566370

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: WATCHES (INCLUDING POCKET WATCHES, WRIST WATCHES WITH OR WITHOUT STRAPS, BANDS OR BRACELETS, PENDANT WATCHES, CALENDAR WATCHES, AND STOPWATCHES) EITHER STEM-WIND OR AUTOMATIC; CLOCKS; CHRONOMETERS, CHRONOGRAPHS, AND PARTS FOR ALL OF THE FOREGOING

International Class(es): 014
Class Status: ACTIVE
Basis: 1(a)
First Use: 1894

U.S Class(es): 027 - Primary Class
Use in Commerce: 1894

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: OMEGA SA (OMEGA AG) (OMEGA LTD.)
Owner Address: Jakob-Stämpfli-Strasse 96
2502 Biel/Bienne
SWITZERLAND
Legal Entity Type: CORPORATION
State or Country Where Organized: SWITZERLAND

Attorney/Correspondence Information

Attorney of Record

Attorney Name: JESS M. COLLEN

Docket Number: 27640

Attorney Primary Email trademark@collenip.com
Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent Name/Address: JESS M. COLLEN
COLLEN IP INTELLECTUAL PROPERTY LAW, P.C.
80 SOUTH HIGHLAND AVENUE
THE HOLYOKE-MANHATTAN BUILDING
TOWN OF OSSINING, NEW YORK 10562
UNITED STATES

Phone: 9149415668

Correspondent e-mail: trademark@collenip.com

Correspondent e-mail Yes
Authorized:

Domestic Representative

Domestic Representative Name: JESS M. COLLEN

Phone: 9149415668

Domestic Representative e-mail: trademark@collenip.com

Domestic Representative e-mail Yes
Authorized:

Prosecution History

Date	Description	Proceeding Number
Jul. 05, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Jul. 05, 2013	REGISTERED AND RENEWED (FOURTH RENEWAL - 10 YRS)	68335
Jul. 05, 2013	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	68335
Jun. 28, 2013	TEAS SECTION 8 & 9 RECEIVED	
Jun. 27, 2013	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jun. 27, 2013	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Oct. 09, 2008	CASE FILE IN TICRS	
Jun. 10, 2008	NOTICE OF SUIT	
Sep. 06, 2003	REGISTERED AND RENEWED (THIRD RENEWAL - 10 YRS)	
Sep. 06, 2003	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jun. 06, 2003	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Jun. 06, 2003	PAPER RECEIVED	
Dec. 10, 1997	ABANDONMENT DELETED BY TTAB	
Dec. 10, 1997	COUNTERCLAIM OPP. NO. 999999	105595
Dec. 10, 1997	ABANDONMENT DELETED BY TTAB	
May 12, 1994	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	
Apr. 12, 1994	RESPONSE RECEIVED TO POST REG. ACTION	
Oct. 12, 1993	POST REGISTRATION ACTION MAILED - SEC. 9	
Aug. 17, 1993	REGISTERED - SEC. 9 FILED/CHECK RECORD FOR SEC. 8	
Jul. 28, 1973	REGISTERED AND RENEWED (FIRST RENEWAL - 20 YRS)	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Jul. 28, 2013

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Jul. 05, 2013

Assignment Abstract Of Title Information

Summary**Total Assignments:** 1**Registrant:** OMEGA LOUIS BRANDT & FRERE, S.A.**Assignment 1 of 1****Conveyance:** CHANGE OF NAME EFFECTIVE 6-24-82.**Reel/Frame:** [1135/0407](#)**Pages:** 5**Date Recorded:** Apr. 12, 1994**Supporting Documents:** No Supporting Documents Available**Assignor****Name:** [OMEGA LOUIS BRANDT & FRERE S.A.](#)**Execution Date:** Apr. 15, 1987**Legal Entity Type:** CORPORATION**State or Country Where
Organized:** SWITZERLAND**Assignee****Name:** [OMEGA SA \(OMEGA AG\) \(OMEGA LTD.\)](#)**Legal Entity Type:** CORPORATION**State or Country Where
Organized:** SWITZERLAND**Address:** BIENNE, SWITZERLAND**Correspondent****Correspondent Name:** JESS M. COLLEN**Correspondent Address:** MCGLEW AND TUTTLE, P.C.
SCARBOROUGH STATION
SCARBOROUGH, NY 10510-0827**Domestic Representative - Not Found**

EXHIBIT 4

Int. Cls.: 6, 16, 18, 25 and 30

Prior U.S. Cls.: 13, 25, 37, 39, 41 and 46

United States Patent and Trademark Office

Reg. No. 1,969,071

Registered Apr. 23, 1996

**TRADEMARK
PRINCIPAL REGISTER**

**Ω
OMEGA**

OMEGA S.A. (OMEGA AG) (OMEGA LTD.)
(SWITZERLAND CORPORATION)
96, RUE STAEMPFLI
BIENNE, SWITZERLAND

FOR: METAL KEY RINGS, IN CLASS 6 (U.S. CLS. 13 AND 25).

FOR: PENS AND PENCILS; NAMELY, MECHANICAL PENCILS AND BALL POINT AND FELT-TIP PENS, IN CLASS 16 (U.S. CL. 37).

FOR: UMBRELLAS AND PARASOLS, IN CLASS 18 (U.S. CL. 41).

FOR: CLOTHING; NAMELY, SCARVES, AND NECKTIES, IN CLASS 25 (U.S. CL. 39).

FOR: CHOCOLATES, IN CLASS 30 (U.S. CL. 46).

OWNER OF SWITZERLAND REG. NO. 368846, DATED 12-16-1988, EXPIRES 12-16-2008.

OWNER OF U.S. REG. NO. 1,290,661.

SER. NO. 74-355,965, FILED 2-5-1993.

JYLL A. SMITH, EXAMINING ATTORNEY

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Mark: OMEGA



US Serial Number: 74355965	Application Filing Date: Feb. 05, 1993
US Registration Number: 1969071	Registration Date: Apr. 23, 1996
Register: Principal	
Mark Type: Trademark	
Status: The registration has been renewed.	
Status Date: Aug. 05, 2006	
Publication Date: Jun. 21, 1994	

Mark Information

Mark Literal Elements: OMEGA

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Design Search Code(s): 28.01.05 - Alpha (Greek letter); Omega (Greek letter); Greek characters

Related Properties Information

Claimed Ownership of US Registrations: 1290661

Foreign Information

Foreign Registration Number: 368846	Foreign Registration Date: Dec. 16, 1988
Foreign Application/Registration Country: SWITZERLAND	Foreign Expiration Date: Dec. 16, 2008

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: metal key rings

International Class(es): 006 - Primary Class

U.S Class(es): 013, 025

Class Status: ACTIVE

Basis: 44(e)

For: pens and pencils; namely, mechanical pencils and ball point and felt-tip pens

International Class(es): 016 - Primary Class

U.S Class(es): 037

Class Status: ACTIVE

Basis: 44(e)

For: umbrellas and parasols

International Class(es): 018 - Primary Class

U.S Class(es): 041

Class Status: ACTIVE

Basis: 44(e)

For: clothing; namely, scarves, and neckties

International Class(es): 025 - Primary Class

U.S Class(es): 039

Class Status: ACTIVE

Basis: 44(e)

For: [chocolates]

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: SECTION 8 - CANCELLED

Basis: 44(e)

Basis Information (Case Level)

Filed Use:	No	Currently Use:	No	Amended Use:	No
Filed ITU:	Yes	Currently ITU:	No	Amended ITU:	No
Filed 44D:	No	Currently 44D:	No	Amended 44D:	No
Filed 44E:	Yes	Currently 44E:	Yes	Amended 44E:	No
Filed 66A:	No	Currently 66A:	No		
Filed No Basis:	No	Currently No Basis:	No		

Current Owner(s) Information

Owner Name: Omega S.A. (Omega AG) (Omega Ltd.)

Owner Address: 96, rue Staempfli
Bienne
SWITZERLAND

Legal Entity Type: CORPORATION

State or Country Where Organized: SWITZERLAND

Attorney/Correspondence Information

Attorney of Record

Docket Number: T-27740

Correspondent

Correspondent Name/Address: JANE F COLLEN
COLLEN IP
THE HOLYOKE-MANHATTAN BLDG
80 S HIGHLAND AVE
TOWN OF OSSINING, NEW YORK 10562
UNITED STATES

Domestic Representative

Domestic Representative Name: COLLEN IP INTELLECTUAL PROPERTY LAW
P.C.

Prosecution History

Date	Description	Proceeding Number
Jun. 13, 2007	CASE FILE IN TICRS	
Aug. 05, 2006	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	75461
Aug. 05, 2006	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Aug. 02, 2006	ASSIGNED TO PARALEGAL	75461
May 01, 2006	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
May 01, 2006	PAPER RECEIVED	
Jan. 02, 2003	REGISTERED - PARTIAL SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Oct. 24, 2002	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Oct. 24, 2002	PAPER RECEIVED	
Apr. 23, 1996	REGISTERED-PRINCIPAL REGISTER	
Dec. 12, 1995	NOTICE OF ALLOWANCE CANCELLED	
Jan. 24, 1996	Sec. 1(B) CLAIM DELETED	71695
Jun. 13, 1995	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jul. 20, 1994	EXTENSION OF TIME TO OPPOSE RECEIVED	
Jun. 21, 1994	PUBLISHED FOR OPPOSITION	
May 20, 1994	NOTICE OF PUBLICATION	
Jan. 13, 1994	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 06, 1993	CORRESPONDENCE RECEIVED IN LAW OFFICE	

Jun. 07, 1993 NON-FINAL ACTION MAILED

Apr. 22, 1993 ASSIGNED TO EXAMINER

69987

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Apr. 23, 2006

Change in Registration: Yes

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: SCANNING ON DEMAND

Date in Location: Jun. 13, 2007

EXHIBIT 5

Int. Cl.: 41

Prior U.S. Cls.: 100, 101 and 107

United States Patent and Trademark Office

Reg. No. 3,318,408

Registered Oct. 23, 2007

**SERVICE MARK
PRINCIPAL REGISTER**



OMEGA SA (OMEGA AG) (OMEGA LTD.) (SWIT-
ZERLAND JOINT STOCK COMPANY)
JAKOB-STÄMPFLI-STRASSE 96
CH-2502 BIEL/BIENNE
SWITZERLAND

PRIORITY DATE OF 8-24-2005 IS CLAIMED.

OWNER OF INTERNATIONAL REGISTRATION
0865357 DATED 9-29-2005, EXPIRES 9-29-2015.

FOR: TIMEKEEPING OF SPORTS EVENTS; OR-
GANIZATION OF SPORTS AND CULTURAL
EVENTS NAMELY ORGANIZATION OF WATER
SPORTS, ATHLETIC, GOLF, SAILING AND TENNIS
COMPETITIONS AND ORGANIZATION OF ART
EXHIBITS AND OF CINEMATOGRAPHIC, MUSI-
CAL AND THEATRICAL PERFORMANCES, IN
CLASS 41 (U.S. CLS. 100, 101 AND 107).

OWNER OF U.S. REG. NOS. 578,041, 3,063,837 AND
OTHERS.

SER. NO. 79-016,420, FILED 9-29-2005.

STEVEN PEREZ, EXAMINING ATTORNEY

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Mark: OMEGA



US Serial Number: 79016420

Application Filing Date: Sep. 29, 2005

US Registration Number: 3318408

Registration Date: Oct. 23, 2007

Register: Principal

Mark Type: Service Mark

Status: A Section 71 and 15 declaration has been accepted and acknowledged.

Status Date: Nov. 12, 2013

Publication Date: Aug. 07, 2007

Mark Information

Mark Literal Elements: OMEGA

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 28.01.05 - Alpha (Greek letter); Omega (Greek letter); Greek characters

Related Properties Information

International Registration Number: 0865357

International Registration Date: Sep. 29, 2005

Claimed Ownership of US Registrations: 0578041, 0660541, 2747149, 2910721, 3055632, 3063837

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Timekeeping of sports events [organization of sports and cultural events, namely, organization of water sports, athletic, golf, sailing and tennis competitions and organization of art exhibits and of cinematographic, musical and theatrical performances]

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 66(a)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: Yes

Currently 66A: Yes

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Omega SA (Omega AG) (Omega Ltd.)

Owner Address: Jakob-Stämpfli-Strasse 96
Biel/Bienne CH2502
SWITZERLAND

Legal Entity Type: CORPORATION

State or Country Where: SWITZERLAND

Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jess M. Collen **Docket Number:** G-350
Attorney Primary Email Address: trademark@collenip.com **Attorney Email Authorized:** Yes

Correspondent

Correspondent Name/Address: JESS M. COLLEN
INTELLECTUAL PROPERTY LAW, P.C.
80 SOUTH HIGHLAND AVENUE
THE HOLYOKE-MANHATTAN BUILDING
OSSINING, NEW YORK 10562
UNITED STATES
Phone: 914-941-5668
Correspondent e-mail: trademark@collenip.com **Correspondent e-mail Authorized:** Yes

Domestic Representative

Domestic Representative Name: Jess M. Collen **Phone:** 914-941-5668
Domestic Representative e-mail: trademark@collenip.com **Domestic Representative e-mail Authorized:** Yes

Prosecution History

Date	Description	Proceeding Number
Nov. 12, 2013	NOTICE OF ACCEPTANCE OF SEC. 71 & 15 - E-MAILED	
Nov. 12, 2013	REGISTERED - SEC. 71 ACCEPTED & SEC. 15 ACK.	67603
Oct. 23, 2013	REGISTERED - SEC. 71 & SEC. 15 FILED	67603
Nov. 01, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	67603
Oct. 23, 2013	TEAS SECTION 71 & 15 RECEIVED	
Dec. 13, 2008	FINAL DECISION TRANSACTION PROCESSED BY IB	
Jan. 28, 2008	FINAL DISPOSITION NOTICE SENT TO IB	
Jan. 28, 2008	FINAL DISPOSITION PROCESSED	67445
Jan. 25, 2008	FINAL DISPOSITION NOTICE CREATED, TO BE SENT TO IB	
Oct. 23, 2007	REGISTERED-PRINCIPAL REGISTER	
Aug. 07, 2007	PUBLISHED FOR OPPOSITION	
Jul. 18, 2007	NOTICE OF PUBLICATION	
Jul. 03, 2007	LAW OFFICE PUBLICATION REVIEW COMPLETED	78413
Jul. 02, 2007	ASSIGNED TO LIE	78413
Jun. 30, 2007	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 11, 2007	AMENDMENT FROM APPLICANT ENTERED	77312
Jun. 11, 2007	CORRESPONDENCE RECEIVED IN LAW OFFICE	77312
Jun. 07, 2007	ASSIGNED TO LIE	77312
May 21, 2007	PAPER RECEIVED	
Apr. 26, 2007	NOTIFICATION OF POSSIBLE OPPOSITION - PROCESSED BY IB	
Apr. 12, 2007	NOTIFICATION OF POSSIBLE OPPOSITION SENT TO IB	
Apr. 12, 2007	NOTIFICATION OF POSSIBLE OPPOSITION CREATED, TO BE SENT TO IB	
Nov. 17, 2006	NON-FINAL ACTION MAILED	
Nov. 17, 2006	NON-FINAL ACTION WRITTEN	74301
Oct. 07, 2006	AMENDMENT FROM APPLICANT ENTERED	76538
Sep. 28, 2006	CORRESPONDENCE RECEIVED IN LAW OFFICE	76538
Oct. 04, 2006	PAPER RECEIVED	
Sep. 28, 2006	FAX RECEIVED	
Apr. 20, 2006	REFUSAL PROCESSED BY IB	

Apr. 04, 2006	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	
Apr. 04, 2006	REFUSAL PROCESSED BY MPU	74217
Apr. 04, 2006	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	
Apr. 03, 2006	NON-FINAL ACTION WRITTEN	74301
Mar. 28, 2006	NON-FINAL ACTION (IB REFUSAL) WITHDRAWN FOR REVIEW	74217
Mar. 27, 2006	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	
Mar. 26, 2006	NON-FINAL ACTION WRITTEN	74301
Mar. 19, 2006	ASSIGNED TO EXAMINER	74301
Nov. 14, 2005	NEW APPLICATION ENTERED IN TRAM	
Nov. 10, 2005	SN ASSIGNED FOR SECT 66A APPL FROM IB	

International Registration Information (Section 66a)

International Registration Number: 0865357 Priority Claimed Flag: Yes Intl. Registration Status: REQUEST FOR EXTENSION OF PROTECTION PROCESSED Notification of Designation Date: Nov. 10, 2005 International Registration Renewal Date: Sep. 29, 2015 First Refusal Flag: Yes	International Registration Date: Sep. 29, 2005 Date of Section 67 Priority Claim: Aug. 24, 2005 Date of International Registration Status: Nov. 10, 2005 Date of Automatic Protection: May 10, 2007
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Maintenance Filings or Post Registration Information

Affidavit of Incontestability: Section 15 - Accepted

Affidavit of Continued Use: Section 71 - Accepted

TM Staff and Location Information

TM Staff Information

TM Attorney: PEREZ, STEVEN M

Law Office Assigned: LAW OFFICE 101

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Nov. 12, 2013

EXHIBIT 6

United States of America

United States Patent and Trademark Office

Ω
OMEGA

Reg. No. 4,520,281

Registered Apr. 29, 2014

Int. Cl.: 35

SERVICE MARK

PRINCIPAL REGISTER

OMEGA SA (OMEGA AG)(OMEGA LTD.) (SWITZERLAND CORPORATION)
JAKOB-STAMPFLI-STRASSE 96
2502 BIEL/BIENNE, SWITZERLAND

FOR: RETAIL STORE SERVICES FEATURING PERFUMERY, JEWELLERY, HOROLOGICAL AND CHRONOMETRIC INSTRUMENTS, FINE LEATHER GOODS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 12-5-2000; IN COMMERCE 3-23-2006.

OWNER OF SWITZERLAND REG. NO. 532344, DATED 4-7-2005, EXPIRES 2-9-2015.

OWNER OF U.S. REG. NOS. 25,036, 3,831,079 AND OTHERS.

THE MARK CONSISTS OF THE OMEGA LETTER OF THE GREEK ALPHABET ABOVE THE WORD "OMEGA".

SER. NO. 85-877,912, FILED 3-15-2013.

TINA MAI, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

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Mark: OMEGA



US Serial Number: 85877912
US Registration Number: 4520281
Register: Principal
Mark Type: Service Mark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Apr. 29, 2014
Publication Date: Nov. 26, 2013

Application Filing Date: Mar. 15, 2013
Registration Date: Apr. 29, 2014

Mark Information

Mark Literal Elements: OMEGA
Standard Character Claim: No
Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)
Description of Mark: The mark consists of the Omega letter of the Greek alphabet above the word "OMEGA".
Color(s) Claimed: Color is not claimed as a feature of the mark.
Design Search Code(s): 28.01.05 - Alpha (Greek letter); Omega (Greek letter); Greek characters

Related Properties Information

Claimed Ownership of US Registrations: 0025036, 0578041, 1290661, 1969071, 3146117, 3373227, 3453913, 3801228, 3831079 and others

Foreign Information

Foreign Registration Number: 532344
Foreign Registration Date: Apr. 07, 2005
Foreign Application/Registration Country: SWITZERLAND
Foreign Expiration Date: Feb. 09, 2015

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Retail store services featuring perfumery, jewellery, horological and chronometric instruments, fine leather goods

International Class(es): 035 - Primary Class
Class Status: ACTIVE
Basis: 1(a) 44(e)
First Use: Dec. 05, 2000

U.S Class(es): 100, 101, 102
Use in Commerce: Mar. 23, 2006

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: Yes	Currently 44E: Yes	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Omega SA (Omega AG)(Omega Ltd.)

Owner Address: Jakob-Stampfli-Strasse 96
2502 Biel/Bienne
SWITZERLAND

Legal Entity Type: CORPORATION

State or Country Where Organized: SWITZERLAND

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jess M. Collen

Docket Number: P379

Attorney Primary Email Address: trademark@collenip.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: JESS M. COLLEN
COLLEN IP, INTELLECTUAL PROPERTY LAW, P.C.
80 S HIGHLAND AVE
OSSINING, NEW YORK 10562-5615
UNITED STATES

Phone: (914) 941-5668

Fax: (914) 941-6091

Correspondent e-mail: trademark@collenip.com

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Jess M. Collen

Phone: (914) 941-5668

Fax: (914) 941-6091

Domestic Representative e-mail: trademark@collenip.com

Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Apr. 29, 2014	REGISTERED-PRINCIPAL REGISTER	
Mar. 18, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	74221
Mar. 18, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	74221
Mar. 14, 2014	TEAS VOLUNTARY AMENDMENT RECEIVED	
Jan. 02, 2014	WITHDRAWN FROM ISSUE - EXAMINING ATTORNEY REQUEST	81140
Nov. 26, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 26, 2013	PUBLISHED FOR OPPOSITION	
Nov. 06, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Oct. 24, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	74221
Oct. 18, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 18, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	74221
Oct. 18, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	74221
Oct. 10, 2013	ASSIGNED TO LIE	74221
Oct. 09, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Apr. 09, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Apr. 09, 2013	NON-FINAL ACTION E-MAILED	6325
Apr. 09, 2013	NON-FINAL ACTION WRITTEN	83173
Apr. 07, 2013	ASSIGNED TO EXAMINER	83173
Mar. 22, 2013	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Mar. 21, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 19, 2013	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Apr. 29, 2014

Proceedings

Summary

Number of Proceedings: 8

Type of Proceeding: Opposition

Proceeding Number: [91219629](#)

Filing Date: Dec 04, 2014

Status: Pending

Status Date: Dec 04, 2014

Interlocutory Attorney: BENJAMIN U OKEKE

Defendant

Name: Alliant Techsystems Inc.

Correspondent Address: TIMOTHY D SITZMANN
WINTHROP & WEINSTINE PA
CAPPELLA TOWER STE 3500, 225 S SIXTH ST
MINNEAPOLIS MN , 55402-4629
UNITED STATES

Correspondent e-mail: Trademark@winthrop.com , sbaird@winthrop.com , emcdermott@winthrop.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
OMEGA	Opposition Pending	85941948	

Plaintiff(s)

Name: Omega SA (Omega AG) (Omega Ltd.)

Correspondent Address: JESS M COLLEN
HE HOLYOKE-MANHATTAN BUILDING
80 S HIGHLAND AVET
OSSINING NY , 10562
UNITED STATES

Correspondent e-mail: jcollen@collenip.com , tgulick@collenip.com , kmogavero@collenip.com , docket@collenip.com , ogelber@collenip.com , kmogavero@collenip.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
OMEGA	Renewed	70025036	25036
OMEGA	Renewed	71622275	566370
OMEGA	Renewed	72029548	660541
OMEGA	Registered	85877912	4520281
OMEGA	Notice of Allowance - Issued	77660056	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 04, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 04, 2014	Jan 13, 2015
3	PENDING, INSTITUTED	Dec 04, 2014	
4	D MOT TO DISMISS: FRCP 12(B)	Jan 13, 2015	
5	SUSP PEND DISP OF OUTSTNDNG MOT	Jan 30, 2015	
6	P OPP/RESP TO MOTION	Feb 02, 2015	
7	D REPLY IN SUPPORT OF MOTION	Feb 23, 2015	
8	TRIAL DATES RESET	May 23, 2015	
9	BD'S ORDER CONSOLIDATED MT TO DISMISS DENIED	Jun 03, 2015	
10	D MOT TO SUSP W/O CONSENT PEND SETTLE NEGOTIATIONS	Jun 23, 2015	
11	PAPER RECEIVED AT TTAB	Jul 13, 2015	

Type of Proceeding: Opposition

Proceeding Number: [91219634](#)

Filing Date: Dec 04, 2014

Status: Pending

Status Date: Dec 04, 2014

Interlocutory Attorney: BENJAMIN U OKEKE

Defendant

Name: Alliant Techsystems Inc.

Correspondent Address: STEPHEN R BAIRD
WINTHROP & WEINSTINE PA
CAPELLA TOWER STE 3500, 225 SOUTH SIXTH ST
MINNEAPOLIS MN , 55402-4629
UNITED STATES

Correspondent e-mail: Trademark@winthrop.com , baird@winthrop.com , bwalz@winthrop.com , tsitzmann@winthrop.com , emcdermott@winthrop.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
OMEGA ELITE	Opposition Pending	85941994	
Plaintiff(s)			

Name: Omega SA (Omega AG) (Omega Ltd.)

Correspondent Address: JESS M COLLEN
COLLEN IP INTELLECTUAL PROPERTY LAW PC
HOLYOKE-MANHATTAN BUILDING, 80 S HIGHLAND AVETHE
OSSINING NY , 10562
UNITED STATES

Correspondent e-mail: tgulick@collenip.com , kmogavero@collenip.com , docket@collenip.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
OMEGA	Renewed	70025036	25036
OMEGA	Renewed	71622275	566370
OMEGA	Renewed	72029548	660541
OMEGA	Registered	85877912	4520281
OMEGA	Notice of Allowance - Issued	77660056	

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 04, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 04, 2014	Jan 13, 2015
3	PENDING, INSTITUTED	Dec 04, 2014	
4	D MOT TO DISMISS: FRCP 12(B)	Jan 13, 2015	
5	SUSP PEND DISP OF OUTSTNDNG MOT	Jan 31, 2015	
6	P OPP/RESP TO MOTION	Feb 02, 2015	
7	D REPLY IN SUPPORT OF MOTION	Feb 23, 2015	
8	BD DECISION CONSOLIDATED MOTION TO DISMISS DENIED.	Jun 03, 2015	
9	D MOT TO SUSP W/O CONSENT PEND SETTLE NEGOTIATIONS	Jun 23, 2015	
10	PAPER RECEIVED AT TTAB	Jul 13, 2015	

Type of Proceeding: Opposition

Proceeding Number: [91216206](#)

Filing Date: May 05, 2014

Status: Pending

Status Date: May 05, 2014

Interlocutory Attorney: ELIZABETH WINTER

Defendant			
Name: Alliant Techsystems Inc.			
Correspondent Address: STEPHEN R BAIRD WINTHROP & WEINSTINE PA 225 S 6TH ST STE 3500, CAPELLA TWR MINNEAPOLIS MN , 55402-4601 UNITED STATES			
Correspondent e-mail: Trademark@winthrop.com , sbaird@winthrop.com , emcdermott@winthrop.com			
Associated marks			
Mark	Application Status	Serial Number	Registration Number
OMEGA ELITE	Opposition Pending	85942008	
Plaintiff(s)			
Name: Omega S.A. (Omega AG) (Omega Ltd.)			

Correspondent Address: JESS M COLLEN
COLLEN IP
80 S HIGHLAND AVE, THE HOLYOKE-MANHATTAN BUILDING
OSSINING NY , 10562
UNITED STATES

Correspondent e-mail: tgulick@collenip.com , ogelber@collenip.com , docket@collenip.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
OMEGA	Renewed	70025036	25036
OMEGA	Renewed	71622275	566370
OMEGA	Renewed	72029548	660541
OMEGA	Registered	85877912	4520281
OMEGA	Notice of Allowance - Issued	77660056	

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	May 05, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	May 05, 2014	Jun 14, 2014
3	PENDING, INSTITUTED	May 05, 2014	
4	INCOMPLETE SUBMISSION	Jun 12, 2014	
5	D MOTION	Jun 27, 2014	
6	P OPP/RESP TO MOTION	Jul 01, 2014	
7	D REPLY IN SUPPORT OF MOTION	Jul 16, 2014	
8	SUSPENDED PENDING DISP OF OTHER BOARD PROCEEDING	Aug 04, 2014	

Type of Proceeding: Opposition

Proceeding Number: [91215258](#)

Filing Date: Mar 04, 2014

Status: Pending

Status Date: Mar 04, 2014

Interlocutory Attorney: JENNIFER KRISP

Defendant

Name: Omega Apparel Incorporated

Correspondent Address: PAUL W KRUSE
BONE MCALLESTER NORTON PLLC
511 UNION ST STE 1600
NASHVILLE TN , 37219-1780
UNITED STATES

Correspondent e-mail: trademarks@bonelaw.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
OMEGA APPAREL INCORPORATED	Opposition Pending	85733079	

Plaintiff(s)

Name: Omega SA (Omega AG) (Omega Ltd.)

Correspondent Address: JEFFREY A LINDENBAUM
COLLEN IP INTELLECTUAL PROPERTY LAW PC
THE HOLYOKE-MANHATTAN BUILDING, 80 SOUTH HIGHLAND AVENUE
OSSINING NY , 10562
UNITED STATES

Correspondent e-mail: kmogavero@collenip.com , jlindenbaum@collenip.com , docket@collenip.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
OMEGA	Renewed	70025036	25036
OMEGA	Renewed	71637074	578041
OMEGA	Renewed	71622275	566370
OMEGA	Registered	85877912	4520281

Prosecution History			
Entry Number	History Text	Date	Due Date

1	FILED AND FEE	Mar 04, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 04, 2014	Apr 13, 2014
3	PENDING, INSTITUTED	Mar 04, 2014	
4	ANSWER	Apr 14, 2014	
5	P MOT TO CONSOLIDATE	May 07, 2014	
6	CONSOLIDATED WITH 91215260; TRIAL DATES RESET	May 08, 2014	
7	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	May 09, 2014	
8	SUSPENDED	May 09, 2014	
9	STIP TO SUSP PEND SETTL NEGOTIATIONS	Jul 09, 2014	
10	SUSPENDED	Jul 09, 2014	
11	STIP TO SUSP PEND SETTL NEGOTIATIONS	Sep 08, 2014	
12	SUSPENDED	Sep 08, 2014	
13	STIP TO SUSP PEND SETTL NEGOTIATIONS	Nov 10, 2014	
14	SUSPENDED	Nov 10, 2014	
15	STIP TO SUSP PEND SETTL NEGOTIATIONS	Jan 09, 2015	
16	SUSPENDED	Jan 09, 2015	
17	STIP TO SUSP PEND SETTL NEGOTIATIONS	Mar 13, 2015	
18	SUSPENDED	Mar 13, 2015	
19	STIP TO SUSP PEND SETTL NEGOTIATIONS	Jun 04, 2015	
20	SUSPENDED	Jun 04, 2015	

Type of Proceeding: Opposition

Proceeding Number: [91215260](#)

Filing Date: Mar 04, 2014

Status: Pending

Status Date: Mar 04, 2014

Interlocutory Attorney: GEORGE POLOGEORGIS

Defendant

Name: Omega Apparel Incorporated

Correspondent Address: PAUL W KRUSE
BONE MCALLESTER NORTON PLLC
511 UNION ST STE 1600
NASHVILLE TN , 37219-1780
UNITED STATES

Correspondent e-mail: trademarks@bonelaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
OMEGA APPAREL INCORPORATED	Opposition Pending	85733112	

Plaintiff(s)

Name: Omega SA (Omega AG) (Omega Ltd.)

Correspondent Address: JEFFREY A LINDENBAUM
COLLEN IP INTELLECTUAL PROPERTY LAW PC
THE HOLYOKE-MANHATTAN BUILDING, 80 SOUTH HIGHLAND AVENUE
OSSINING NY , 10562
UNITED STATES

Correspondent e-mail: jlindenbaum@collenip.com , docket@collenip.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
OMEGA	Renewed	70025036	25036
OMEGA	Renewed	71637074	578041
OMEGA	Renewed	71622275	566370
OMEGA	Registered	85877912	4520281

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 04, 2014	

2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 04, 2014	Apr 13, 2014
3	PENDING, INSTITUTED	Mar 04, 2014	
4	ANSWER	Apr 14, 2014	
5	P MOT TO CONSOLIDATE	May 07, 2014	
6	CONSOLIDATED WITH 91215258; TRIAL DATES RESET	May 08, 2014	

Type of Proceeding: Opposition

Proceeding Number: [91214499](#)

Filing Date: Jan 15, 2014

Status: Pending

Status Date: Jan 15, 2014

Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name: Alliant Techsystems Inc.

Correspondent Address: STEPHEN R. BAIRD
WINTHROP & WEINSTINE PA
225 S 6TH ST
MINNEAPOLIS MN , 55402-4601
UNITED STATES

Correspondent e-mail: Trademark@winthrop.com; sbaird@winthrop.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
OMEGA	Opposition Pending	85941963	

Plaintiff(s)

Name: Omega SA (Omega AG) (Omega Ltd.)

Correspondent Address: Mr. Jess M. Collen
Collen IP, Intellectual Property Law, P.C.
80 South Highland Ave
Ossining NY , 10562
UNITED STATES

Correspondent e-mail: jcollen@collenip.com , tgulick@collenip.com , ogelber@collenip.com , docket@collenip.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
OMEGA	Renewed	70025036	25036
OMEGA	Renewed	71622275	566370
OMEGA	Renewed	72029548	660541
OMEGA	Notice of Allowance - Issued	77660056	
OMEGA	Registered	85877912	4520281

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 15, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 15, 2014	Feb 24, 2014
3	PENDING, INSTITUTED	Jan 15, 2014	
4	D MOT TO SUSP PEND DISP OUTSTNDNG MOT	Feb 24, 2014	
5	P OPP/RESP TO MOTION	Mar 17, 2014	
6	D REPLY IN SUPPORT OF MOTION	Apr 07, 2014	
7	SUSPENDED PENDING DISP OF OTHER BOARD PROCEEDING	Jul 31, 2014	

Type of Proceeding: Opposition

Proceeding Number: [91214452](#)

Filing Date: Jan 13, 2014

Status: Pending

Status Date: Jan 13, 2014

Interlocutory Attorney: ROBERT COGGINS

Defendant

Name: Alpha Omega Epsilon, Inc.

Correspondent Address: JACK A WHEAT
STITES & HARBISON PLLC
400 W MARKET ST , STE 1800
LOUISVILLE KY , 40202 3352
UNITED STATES

Correspondent e-mail: jwheat@stites.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
ALPHA OMEGA EPSILON	Opposition Pending	85857062	
Plaintiff(s)			

Name: Omega SA (Omega AG) (Omega Ltd.)

Correspondent Address: JESS M COLLEN
COLLEN IP
80 SOUTH HIGHLAND AVENUE , THE HOLYOKE MANHATTAN BUILDING
OSSINING NY , 10562
UNITED STATES

Correspondent e-mail: tgulick@collenip.com , ogelber@collenip.com , docket@collenip.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
OMEGA	739	79016420	3318408
OMEGA	Registered	85877912	4520281

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 13, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 13, 2014	Feb 22, 2014
3	PENDING, INSTITUTED	Jan 13, 2014	
4	ANSWER	Feb 17, 2014	
5	P MOT TO CONSOLIDATE	Mar 26, 2014	
6	TRIAL DATES REMAIN AS SET	Apr 01, 2014	

Type of Proceeding: Opposition

Proceeding Number: [91214453](#)

Filing Date: Jan 13, 2014

Status: Pending

Status Date: Jan 13, 2014

Interlocutory Attorney: ROBERT COGGINS

Defendant			
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Name: Alpha Omega Epsilon, Inc.

Correspondent Address: JACK A WHEAT
STITES & HARBISON PLLC
400 W MARKET ST , STE 1800
LOUISVILLE KY , 40202-3352
UNITED STATES

Correspondent e-mail: jwheat@stites.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
ALPHA OMEGA EPSILON	Opposition Pending	85857065	
Plaintiff(s)			

Name: Omega SA (Omega AG) (Omega Ltd.)

Correspondent Address: JESS M COLLEN
COLLEN IP
80 SOUTH HIGHLAND AVENUE , THE HOLYOKE-MANHATTAN BUILDING
OSSINING NY , 10562
UNITED STATES

Correspondent e-mail: tgulick@collenip.com , ogelber@collenip.com , docket@collenip.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
OMEGA	739	79016420	3318408
OMEGA	Registered	85877912	4520281

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 13, 2014	

2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 13, 2014	Feb 22, 2014
3	PENDING, INSTITUTED	Jan 13, 2014	
4	ANSWER	Feb 17, 2014	
5	P MOT TO CONSOLIDATE	Mar 26, 2014	
6	TRIAL DATES RESET	Apr 02, 2014	

EXHIBIT 7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

OMEGA S.A. (OMEGA AG)
(OMEGA LTD.),
Opposer,

v.

ALPHA PHI OMEGA, INC.,
Applicant.

Mark: ALPHA PHI OMEGA
Opp. No.: 91157504 (Parent)
Serial No.: 77950436

OMEGA S.A. (OMEGA AG)
(OMEGA LTD.),
Opposer,

v.

ALPHA PHI OMEGA, INC.
Applicant.

Mark: ALPHA PHI OMEGA
(Greek letters)
Opp. No.: 91157505 (Child)
Serial No.: 77905236

The deposition upon oral examination of
WYNN SMILEY, a witness produced and sworn before me,
Robin P. Martz, RPR, Notary Public in and for the
County of Johnson, State of Indiana, taken on behalf
of the Opposer at the offices of Alpha Tau Omega, One
North Pennsylvania Street, Indianapolis, Indiana, on
April 9, 2015, at 3:12 p.m., pursuant to the Indiana
Rules of Trial Procedure.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

OMEGA S.A. (OMEGA AG)
(OMEGA LTD.),
Opposer,

Mark: ALPHA OMEGA EPSILON
(Greek letters)
Opp. No.: 91214449 (Parent)
Serial No.: 85855823

v.

ALPHA OMEGA EPSILON, INC.,
Applicant.

OMEGA S.A. (OMEGA AG)
(OMEGA LTD.),
Opposer,

Mark: ALPHA OMEGA EPSILON
Opp. No.: 91214454 (Child)
Serial No.: 85855839

v.

ALPHA OMEGA EPSILON, INC.,
Applicant.

OMEGA S.A. (OMEGA AG)
(OMEGA LTD.),
Opposer,

Mark: ALPHA OMEGA EPSILON
& Design
Opp. No.: 91214452 (Child)
Serial No.: 85857062

v.

ALPHA OMEGA EPSILON, INC.,
Applicant.

OMEGA S.A. (OMEGA AG)
(OMEGA LTD.),
Opposer,

Mark: ALPHA OMEGA EPSILON
Opp. No.: 91214453 (Child)
Serial No.: 85857065

v.

ALPHA OMEGA EPSILON, INC.,
Applicant.

APPEARANCES

FOR THE OPPOSER:

Thomas P. Gulick, Esq.
COLLEN IP
The Holyoke-Manhattan Building
80 South Highland Avenue, Ossining-on-Hudson
Westchester County, NY 10562

FOR THE APPLICANT:

Jack A. Wheat, Esq.
STITES & HARBISON
400 West Market Street, Suite 1800
Louisville, KY 40902-3352

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INDEX OF EXHIBITS

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1 WYNN SMILEY,
2 having been first duly sworn to tell the truth, the
3 whole truth, and nothing but the truth took the stand
4 and testified as follows:

5 DIRECT EXAMINATION

6 BY MR. GULICK

7 Q Can you state your name and address for the record.

8 A Wynn Smiley, 8463 Pine Tree Boulevard,
9 Indianapolis.

10 Q Mr. Smiley, can you tell me where you're employed?

11 A Alpha Tau Omega.

12 Q And can you tell me your position with the company?

13 A Chief executive officer.

14 Q And have you held any previous positions within the
15 company?

16 A I was director of communication.

17 Q That was prior?

18 A Yes.

19 Q About how long ago was that?

20 A About 18 years ago.

21 Q Can you tell me what your responsibilities are in
22 your current position?

23 A I'm responsible for the management of the National
24 Fraternity and carrying out the directives of the
25 National Fraternity Board of Directors.

1 A Sure. Could range anywhere from clothing to
2 jewelry to educational publications.

3 Q Would the same be true of the Alpha Tau Omega Greek
4 letter mark, same merchandise?

5 A Yes.

6 Q Same would be true for the crest?

7 A Yes.

8 Q Can you tell me what type of jewelry would be sold
9 under those marks?

10 A Any variety of jewelry. Really, we leave it up for
11 the jeweler to propose pieces, and then we sign off
12 on them.

13 Q And are you in charge of signing off on all of the
14 merchandise that gets sold?

15 A Yes.

16 Q Do you know when the first piece of clothing was
17 sold with an Alpha Tau Omega mark?

18 A I do not.

19 Q Do you know when the first piece of jewelry was
20 sold with the Alpha Tau Omega mark?

21 A Sold, no.

22 Q Does Alpha Tau Omega manufacture any products?

23 A Jewelry or clothing, no. Some publications, yes.

24 Q And do you license the use of the Alpha Tau Omega
25 marks to third parties?

1 the Greek letter mark? Is it the crest?

2 A I don't know.

3 Q So the badges that appear on AT003?

4 A Yes.

5 Q These would be examples of ones that someone would
6 have to purchase. Would that be correct?

7 A Yes.

8 Q But if you're a member, you don't have to purchase
9 the badge, you're given one; is that correct?

10 A Correct.

11 Q So then these would be sold to persons other than
12 members?

13 A No. They are not available to anyone other than
14 members. Members frequently buy a second badge.
15 If they want a more ornate badge or if they lose an
16 original badge, they will buy a replacement badge.

17 Q Was there ever a point in time where members had to
18 purchase the badge?

19 A Not that I'm aware of.

20 Q So then to your knowledge it's always been that
21 members receive a badge upon membership?

22 A To my knowledge.

23 Q If we look at page AT06 --

24 A Yes.

25 Q -- would these be further examples of jewelry sold

1 A Including the declaration.

2 Q Was that the extent of the documents?

3 A And the attachments, yes, everything attached.

4 Q And you didn't view any of the trademark
5 applications or registrations prior to coming here?

6 A No.

7 Q Do you know if the Alpha Tau Omega mark, the word
8 mark, is used on jewelry?

9 A I don't know that.

10 Q Do you know if the Alpha Tau Omega Greek letters
11 are used on jewelry?

12 A Yes.

13 Q Do you know for how long those, the Greek letter
14 mark has been used on jewelry?

15 A I do not.

16 Q Do you know if the crest mark is used on jewelry?

17 A It is.

18 Q Do you know for how long the crest mark has been
19 used on jewelry?

20 A I do not.

21 Q Do you know if the Alpha Tau Omega word mark is
22 used on apparel?

23 A It is.

24 Q Do you know how long it has been used on apparel?

25 A No.

1 Q Do you know if the Greek letters Alpha Tau Omega
2 are used on apparel?

3 A Yes.

4 Q Do you know how long they have been used on
5 apparel?

6 A I do not.

7 Q Do you know if the crest mark is used on apparel?

8 A Yes.

9 Q Do you know for how long the crest mark has been
10 used on apparel?

11 A I do not.

12 Q Would Alpha Tau Omega have documents showing when
13 the Greek letter Alpha Tau Omega was first used on
14 apparel?

15 A I don't know.

16 Q Do you know if there would be documents showing
17 when the Greek letter Alpha Tau Omega was used on
18 jewelry?

19 A I don't know.

20 Q Same question for the Alpha Tau Omega word mark for
21 apparel?

22 A Yes. I'm sorry, what?

23 Q Do you have documents that would show?

24 A Oh, I don't know.

25 Q How about for the Alpha Tau Omega word mark for

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

OMEGA S.A. (OMEGA AG)
(OMEGA LTD.),
Opposer,

v.

ALPHA PHI OMEGA, INC.,
Applicant.

Mark: ALPHA PHI OMEGA
Opp. No.: 91157504 (Parent)
Serial No.: 77950436

OMEGA S.A. (OMEGA AG)
(OMEGA LTD.),
Opposer,

v.

ALPHA PHI OMEGA, INC.
Applicant.

Mark: ALPHA PHI OMEGA
(Greek letters)
Opp. No.: 91157505 (Child)
Serial No.: 77905236

Job No. 311284

The deposition of WYNN SMILEY, taken in the
above-captioned matter, on April 9, 2015, and at the
time and place set out on the title page hereof.

It was requested that the deposition be
transcribed by the reporter and that same be reduced
to typewritten form.

It was agreed that the reading and signature
by the deponent to the deposition were waived on
behalf of the parties, the witness being present and
consenting thereto, the deposition to be read with the
same force and effect as if signed by said deponent.

1 STATE OF INDIANA

2 COUNTY OF JOHNSON

3 I, Robin P. Martz, a Notary Public in and for
4 said county and state, do hereby certify that the
5 deponent herein was by me first duly sworn to tell the
6 truth, the whole truth, and nothing but the truth in
7 the aforementioned matter;

8 That the foregoing deposition was taken on
9 behalf of the Opposer; that said deposition was taken
10 at the time and place heretofore mentioned between
11 3:12 p.m. and 4:43 p.m.;

12 That said deposition was taken down in
13 stenograph notes and afterwards reduced to typewriting
14 under my direction; and that the typewritten
15 transcript is a true record of the testimony given by
16 said deponent;

17 And that the reading and signature by the
18 deponent to the deposition were waived on behalf of
19 the parties plaintiff and defendant by their
20 respective counsel, the witness being present and
21 consenting thereto, the deposition to be read with the
22 same force and effect as if signed by said deponent.

23 I do further certify that I am a disinterested
24 person in this cause of action; that I am not a
25 relative of the attorneys for any of the parties.

1 IN WITNESS WHEREOF, I have hereunto set my
2 hand and affixed my notarial seal this 22nd day of
3 April, 2015.

4
5
6 Robin P. Martz
7

8 Robin P. Martz, Notary Public
9

10 My Commission expires:
11 March 2, 2016

12 Job No. 97108
13
14
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EXHIBIT 8

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

OMEGA S.A. (OMEGA AG)
(OMEGA LTD.),

Opposer,

v.

ALPHA PHI OMEGA, INC.,
Applicant.

Mark: ALPHA PHI OMEGA

Opp. No.: 91157504 (Parent)

Serial No.: 77950436

OMEGA S.A. (OMEGA AG)
(OMEGA LTD.),

Opposer,

v.

ALPHA PHI OMEGA, INC.
Applicant.

Mark: ALPHA PHI OMEGA

(Greek letters)

Opp. No.: 91157505 (Child)

Serial No.: 77905236

The deposition upon oral examination of
JANINE WAMPLER, a witness produced and sworn before
me, Robin P. Martz, RPR, Notary Public in and for the
County of Johnson, State of Indiana, taken on behalf
of the Opposer at the offices of Alpha Tau Omega, One
North Pennsylvania Street, Indianapolis, Indiana, on
April 9, 2015, at 1:00 p.m., pursuant to the Indiana
Rules of Trial Procedure.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

OMEGA S.A. (OMEGA AG)
(OMEGA LTD.),
Opposer,

Mark: ALPHA OMEGA EPSILON
(Greek letters)
Opp. No.: 91214449 (Parent)
Serial No.: 85855823

v.

ALPHA OMEGA EPSILON, INC.,
Applicant.

OMEGA S.A. (OMEGA AG)
(OMEGA LTD.),
Opposer,

Mark: ALPHA OMEGA EPSILON
Opp. No.: 91214454 (Child)
Serial No.: 85855839

v.

ALPHA OMEGA EPSILON, INC.,
Applicant.

OMEGA S.A. (OMEGA AG)
(OMEGA LTD.),
Opposer,

Mark: ALPHA OMEGA EPSILON
& Design
Opp. No.: 91214452 (Child)
Serial No.: 85857062

v.

ALPHA OMEGA EPSILON, INC.,
Applicant.

OMEGA S.A. (OMEGA AG)
(OMEGA LTD.),
Opposer,

Mark: ALPHA OMEGA EPSILON
Opp. No.: 91214453 (Child)
Serial No.: 85857065

v.

ALPHA OMEGA EPSILON, INC.,
Applicant.

APPEARANCES

FOR THE OPPOSER:

Thomas P. Gulick, Esq.
COLLEN IP
The Holyoke-Manhattan Building
80 South Highland Avenue, Ossining-on-Hudson
Westchester County, NY 10562

FOR THE APPLICANT:

Jack A. Wheat, Esq.
STITES & HARBISON
400 West Market Street, Suite 1800
Louisville, KY 40902-3352

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1 coat of arms mark?

2 A Yes.

3 Q You mentioned jewelry. Can you describe in more
4 detail what types of jewelry would have been sold
5 under those three marks?

6 A Sure. We have the official jewelry, which would be
7 our badge that every member has, a new member pin,
8 and then specific pins that designate an office
9 that you hold as a chapter member, things like
10 that. Then we have accessory jewelry which
11 encompasses everything else. That would include
12 necklaces, bracelets, earrings, rings, badges, etc.

13 Q Would that also include watches as well?

14 A Yes.

15 Q Can you tell me, the watches that you would sell,
16 would they be sold with the words Alpha Chi Omega
17 on the watch?

18 A I don't recall.

19 Q Do you know if the watches were sold with the Greek
20 letters Alpha Chi Omega on them?

21 A Yes.

22 Q And do you know if the watches were ever sold with
23 the coat of arms mark on them?

24 A I don't recall. Not to my knowledge.

25 Q For apparel, can you tell me when Alpha Chi Omega

1 started selling products, apparel products with the
2 Alpha Chi Omega word mark?

3 A I would have to look at records. I don't recall.

4 Q How about for the Alpha Chi Omega Greek letter
5 mark?

6 A On apparel, the same, I don't recall.

7 Q How about for the Alpha Chi Omega coat of arms
8 mark?

9 A I don't recall.

10 Q Can you tell me when watches were first sold with
11 any of the three Alpha Chi Omega marks?

12 A No, I cannot.

13 Q How about for what you referred to as accessory
14 jewelry?

15 A I cannot.

16 Q How about for badges?

17 A Yes. On our founding day October 15, 1885.

18 Q And that would have been a badge?

19 A Yes.

20 Q And would that have been the words Alpha Chi Omega?

21 A No, the letters.

22 Q Do you mean the Greek letters?

23 A The Greek letters.

24 Q Was part of your responsibilities at Alpha Chi
25 Omega controlling how the Alpha Chi Omega marks

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

OMEGA S.A. (OMEGA AG)
(OMEGA LTD.),
Opposer,

v.

ALPHA PHI OMEGA, INC.,
Applicant.

Mark: ALPHA PHI OMEGA
Opp. No.: 91157504 (Parent)
Serial No.: 77950436

OMEGA S.A. (OMEGA AG)
(OMEGA LTD.),
Opposer,

v.

ALPHA PHI OMEGA, INC.
Applicant.

Mark: ALPHA PHI OMEGA
(Greek letters)
Opp. No.: 91157505 (Child)
Serial No.: 77905236

Job No. 311284

The deposition of JANINE WAMPLER, taken in the
above-captioned matter, on April 9, 2015, and at the
time and place set out on the title page hereof.

It was requested that the deposition be
transcribed by the reporter and that same be reduced
to typewritten form.

It was agreed that the reading and signature
by the deponent to the deposition were waived on
behalf of the parties, the witness being present and
consenting thereto, the deposition to be read with the
same force and effect as if signed by said deponent.

1 STATE OF INDIANA

2 COUNTY OF JOHNSON

3 I, Robin P. Martz, a Notary Public in and for
4 said county and state, do hereby certify that the
5 deponent herein was by me first duly sworn to tell the
6 truth, the whole truth, and nothing but the truth in
7 the aforementioned matter;

8 That the foregoing deposition was taken on
9 behalf of the Opposer; that said deposition was taken
10 at the time and place heretofore mentioned between
11 1:00 p.m. and 3:00 p.m.;

12 That said deposition was taken down in
13 stenograph notes and afterwards reduced to typewriting
14 under my direction; and that the typewritten
15 transcript is a true record of the testimony given by
16 said deponent;

17 And that the reading and signature by the
18 deponent to the deposition were waived on behalf of
19 the parties plaintiff and defendant by their
20 respective counsel, the witness being present and
21 consenting thereto, the deposition to be read with the
22 same force and effect as if signed by said deponent.

23 I do further certify that I am a disinterested
24 person in this cause of action; that I am not a
25 relative of the attorneys for any of the parties.

1 IN WITNESS WHEREOF, I have hereunto set my
2 hand and affixed my notarial seal this 22nd day of
3 April, 2015.

4
5
6 Robin P. Martz

8 Robin P. Martz, Notary Public

9
10 My Commission expires:
11 March 2, 2016

12 Job No. 97108
13
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EXHIBIT 9

1 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE
2 THE TRADEMARK TRIAL AND APPEAL BOARD

3
4 OMEGA S.A. (OMEGA AG OMEGA LTD.) ,
5 OPPOSER

6
7 VS.

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9 ALPHA OMEGA EPSILON, INC. ,
10 APPLICANT

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23 DEPONENT: AMY DEVINE

24 DATE: JUNE 1, 2015

25 REPORTER: JAMIE ROLL

APPEARANCE

ON BEHALF OF THE APPLICANT, ALPHA OMEGA EPSILON, INC.:

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ON BEHALF OF THE OPPOSER, OMEGA S.A. (OMEGA AG OMEGA LTD.):

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ALSO PRESENT: MARI-ELISE TAUDE

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STIPULATION

The deposition of AMY DEVINE taken at STITES & HARBISON
400 WEST MARKET STREET SUITE 1800, LOUISVILLE, KY on
MONDAY the 1ST day of JUNE, 2015 at approximately 1:00
P.M. Said deposition was taken pursuant to the KENTUCKY
Rules of Civil Procedure. It is agreed that JAMIE ROLL,
being a Notary Public and Court Reporter for the State
of INDIANA, may swear the witness.

PROCEEDINGS

COURT REPORTER: Ms. Divine, please raise your right hand for me. Do you solemnly swear or affirm the testimony you're about to give will be the truth, the whole truth, and nothing but the truth?

THE WITNESS: I do.

COURT REPORTER: Thank you, ma'am.

DIRECT EXAMINATION

BY MR. GULICK:

Q. Can you state your name and address for the record, please?

A. Yes. My name is Amy Lynn Devine. 2428 Simon Drive, Montgomery, Illinois 60538.

Q. Ms. Divine, have you ever been deposed before?

A. No.

Q. Let me just give you a brief background. The court reporter is here to take down exactly what we say during the course of this deposition. So it's important that you answer fully to the question being asked. In other words, you can't say "uh-uh" or "uh- huh." We're looking for yeses or no's or I don't know's or maybes, okay. So just make sure to verbalize your answers, okay?

A. Yes.

1 Q. All right. And you have any questions during
2 the course of what I'm asking you, because you're unsure
3 what I'm asking you, please feel free to ask me, okay?

4 A. Yes.

5 Q. All right. Where are you employed?

6 A. LGS Innovations.

7 Q. Can you tell me what LGS Innovations is?

8 A. It's a telecommunications company.

9 Q. And what's your position at the company?

10 A. Technical manager.

11 Q. And for how long have you held that position?

12 A. Since about October of 2014.

13 Q. Do you have any relationship with an
14 organization Alpha Omega Epsilon?

15 A. Have any relationship with?

16 Q. In other words, yes, are you affiliated in
17 some way with Alpha Omega Epsilon?

18 A. Yes.

19 Q. Can you explain your affiliation?

20 A. I am a member.

21 Q. And how long have you been a member?

22 A. Since 1998.

23 Q. I'm going to show you what we're going to mark
24 as Exhibit 1.

25 (EXHIBIT 1 MARKED FOR IDENTIFICATION)

1 would be the one responsible for signing these
2 particular types of license agreements? Would that be
3 correct?

4 A. During my term as president, yes.

5 Q. Okay. Let me move to documents 53 to 61. Can
6 you tell me what this document is?

7 A. Yes. It's another sample of a license
8 agreement between Alpha Omega Epsilon and a vendor. This
9 vendor being 4imprint.

10 Q. And, again, on page 57 this would have been
11 signed by the former president?

12 A. Yes.

13 Q. Catherine Ross? Do you individually sign
14 license agreements with each particular vendor?

15 A. Yes.

16 Q. Specifically, do you know what goods 4imprint
17 is allowed to sell with Alpha Omega Epsilon marks?

18 A. Yes. There is a sampling that they've
19 provided.

20 Q. Okay. Can you tell me what page they're on?

21 A. 59.

22 Q. Do you know if 4imprint is allowed to sell
23 watches with the Alpha Omega Epsilon mark?

24 A. Yes, they are.

25 Q. And is there a reflection of the fact that

1 they're allowed to sell watches on page 59?

2 A. Yes, there is.

3 Q. Okay. Do you know if this is the only
4 licensee that's allowed to sell watches?

5 A. I do not know if they're the only one that is
6 licensed. They are, to my -- my -- the best of my
7 knowledge they are the only one that is licensed.

8 Q. So, for instance, if we were to look at pages
9 62 to 68.

10 MR. WHEAT: What's the question?

11 Q. What is this particular document?

12 A. Oh, it's another license agreement.

13 Q. And in this particular license agreement, if
14 you look at page 68?

15 A. What's the reference on it?

16 Q. The bottom of page 68 should say appendix C at
17 the top?

18 A. Yes.

19 Q. There's no reference to the ability to sell
20 watches on this particular page; is that correct?

21 A. I do not see the mention of watches on this
22 page.

23 MR. WHEAT: Did you mean to be referring to
24 66? 68 is just the Affinity addendum about --

25 we're never going to approve any of this. I don't

1 A. Yes.

2 Q. Would one of the examples -- would one of the
3 types of goods that would be allowed, would that be
4 watches?

5 A. No.

6 Q. Would it be clothing?

7 A. That we would potentially allow?

8 Q. Sure.

9 A. Sure.

10 Q. How about jewelry?

11 A. Yes.

12 Q. Can you tell me what types of jewelry?

13 A. We have pins, crest guards.

14 Q. I'm sorry. What's a crest guard?

15 A. It's another type of pin. I have one.

16 Q. Okay. Do you know who created this crest
17 mark?

18 A. I do not know.

19 Q. Let me show you what we're marking as 4.

20 (EXHIBIT 4 MARKED FOR IDENTIFICATION)

21 Q. My final question about 3, do you license the
22 use of that particular crest mark?

23 A. We -- we do have vendors.

24 Q. That you allow to use the crest then?

25 MR. WHEAT: 4?

1 MR. GULICK: Yeah.

2 Q. Have you seen this particular document before?

3 A. No.

4 Q. Just going to have you reference the upper
5 right-hand corner?

6 A. Uh-huh.

7 Q. Can you tell me, is that the Greek letter mark
8 for Alpha Omega Epsilon?

9 A. Yes.

10 Q. And in particular, is this mark used with
11 jewelry?

12 A. Yes.

13 Q. Is it also used with clothing?

14 A. Yes.

15 Q. Can you tell me what types of jewelry would be
16 used with this mark?

17 A. Our badges.

18 Q. Anything else?

19 A. Pins. Bangles. Bracelets.

20 Q. I'm going to go back briefly to Exhibit 2,
21 page 199. Can you tell me what appears on this
22 particular page?

23 A. Yes. They are rings.

24 Q. Okay. And would this be another type of
25 jewelry that used the Greek letter mark?

1 A. Yes.

2 Q. And on the page that follow, that's 190 --
3 sorry. 200 to 203, these would be further examples of
4 the Greek letter mark used on jewelry?

5 A. Yes.

6 Q. Specifically rings?

7 A. Through page what?

8 Q. 200 to 203?

9 A. 203 is not a ring.

10 Q. Sorry. Can you tell me what would be on page
11 203 then?

12 A. Looks like a charm for a necklace.

13 Q. So would necklaces be another example of
14 something sold with the Alpha Omega Epsilon mark?

15 A. If you -- what do you consider a necklace?

16 Q. Jewelry that you would wear around your neck.

17 A. They're selling a charm that goes on a chain.

18 Q. Okay.

19 A. And this is an example of the charm that has
20 our Greek letters on it.

21 Q. Okay. Do you know when this mark was, the
22 Greek letter mark, was first used in association with
23 jewelry?

24 A. Did we not provide that as part of the
25 interrogatories?

1 own price point for the different products.

2 Q. Do you play any part in setting the price
3 range for any of the products?

4 A. We do not.

5 Q. How about for pins, price -- sorry. Let me
6 get it right on the record. The price range for pins
7 with the Alpha Omega Epsilon marks?

8 A. You know, under \$70 is a good estimate.

9 Q. Do you know what the price range would be for
10 watches?

11 A. We have never sold a watch.

12 Q. Do you know what the price range would be for
13 a hat?

14 A. Anywhere from maybe 10 to \$25.

15 Q. Can anyone purchase a product or goods bearing
16 the Alpha Omega Epsilon Greek letter mark?

17 A. Yes.

18 Q. Would the same be true of the Alpha Omega
19 Epsilon word mark?

20 A. Yes.

21 Q. And would the same be true of the, what we've
22 referred to, as the crest mark?

23 A. No.

24 Q. Okay. Can you tell me, are there certain
25 goods that not everyone can purchase?

1 A. Yes.

2 Q. Okay. What would those goods be?

3 A. Anything identifying specific membership in
4 the organization, such as our membership certificates
5 and our charter.

6 Q. Would that also include badges?

7 A. Would what also include badges?

8 Q. Would there be a limitation of who can
9 purchase the badges?

10 A. No. And often parents will purchase the more
11 expensive badge as a gift for their individual daughter.

12 Q. Are you familiar with where goods are sold
13 bearing the Alpha Omega Epsilon marks?

14 A. Could you be more specific?

15 Q. Well, let's see start with generally. Do you
16 know where people could purchase goods bearing the Alpha
17 Omega Epsilon marks?

18 A. Online.

19 Q. Is that the only place that those goods would
20 be available?

21 A. No.

22 Q. Okay. Where else would they be available?

23 A. Some campus book stores, you know, stores that
24 are on or nearby universities.

25 Q. Does Alpha Omega Epsilon have its own website?

1 A. Yeah. We have a website.

2 Q. Okay.

3 A. We have recruitment -- or not recruitment.
4 Fliers, informational fliers, brochures about the
5 organization.

6 Q. And do you ever make advertising efforts to
7 sell goods?

8 A. No.

9 Q. What method does Alpha Omega Epsilon use to,
10 say, publicize itself?

11 A. We have a website.

12 Q. Okay. Is more of the promotion of the goods
13 done through vendors than through yourself?

14 A. Yes.

15 Q. Do you control what methods are used to
16 promote those goods?

17 A. Through the vendors?

18 Q. Yes.

19 A. We have -- no. We don't influence their
20 marketing.

21 Q. Okay. Do you have any limitations on their
22 marketing?

23 A. I don't know.

24 Q. I'm going to go back to Exhibit 2, page 22.

25 A. Sorry, page 22?

1 yeah.

2 A. Okay.

3 Q. And then, based on this information on page 9,
4 you could see the fact that you probably sell \$500
5 directly from the sorority itself. That would primarily
6 be at the convention?

7 A. Conventions.

8 Q. As referred to before? Okay. Other than
9 these four categories would there be any other sales
10 figures?

11 A. Such as?

12 Q. Would there be any other, let's see, say
13 licensees or any other revenue derivation?

14 A. No.

15 Q. Okay. Do you know how much money is spent on
16 marketing of Alpha Omega Epsilon goods?

17 A. We don't spend very much of any money on
18 marketing our goods.

19 Q. Okay. Do you receive a report on what your
20 licensees spend on marketing?

21 A. Not to my knowledge, no.

22 Q. Do you know when your relationship with
23 Affinity marketing first started?

24 A. It was -- I think we provided that information
25 in the packet of materials, but I believe it was around

1 earliest convention, I doubt there was any merchandise.

2 Q. Okay.

3 A. For sale. Individuals paid.

4 Q. And the particular item that we see on page
5 8.

6 A. Uh-huh.

7 Q. Sorry, Exhibit 2, page 8, do you know if this
8 is something that a member created or is something that
9 was purchased?

10 A. I don't know whether it was created or
11 purchased. I believe by "created" you mean handmade?

12 Q. Yeah, in other words they made it themselves
13 rather than purchased it?

14 A. Correct.

15 Q. Okay. And I think you mentioned before you
16 have no records of sales by others. So other than the
17 numbers and the figures that you provided you don't have
18 any other sales figures available?

19 A. That's correct.

20 MR. WHEAT: The question in the discovery
21 request was for the last ten years, so that's all
22 we looked for.

23 A. That is actually all we looked for. We tried
24 to go back those ten years.

25 Q. Okay. And then you don't have any records of

1 your first sale of a particular item?

2 A. That's correct. Wait first sale of?

3 Q. A particular item with that Alpha Omega
4 Epsilon?

5 A. That's correct.

6 MR. GULLICK: Okay. Thank you.

7 RECROSS EXAMINATION

8 BY MR. WHEAT:

9 Q. When were you in college?

10 A. 1996 through December 2000.

11 Q. Internet wasn't too prevalent at the beginning
12 or was it even around by '96?

13 A. I'm an engineer at a very prestigious
14 engineering school. We had the Internet. Did we go
15 Amazon shopping on it? No.

16 Q. And that's the direction I'm going. In those
17 days how did the Greek vendors get the word out that
18 they could produce merchandise bearing the insignia?

19 A. The Greek vendors themselves? You kind of had
20 to go calling in to them and ask them to start producing
21 your stuff.

22 Q. Did you have a sorority house when you were in
23 school?

24 A. No.

25 Q. Okay. Were you aware that the vendors would

CERTIFICATE OF REPORTER

STATE OF INDIANA

I do hereby certify that the witness in the foregoing transcript was taken on the date, and at the time and place set out on the Title page here of by me after first being duly sworn to testify the truth, the whole truth, and nothing but the truth; and that the said matter was recorded stenographically and mechanically by me and then reduced to type written form under my direction, and constitutes a true record of the transcript as taken, all to the best of my skill and ability. I certify that I am not a relative or employee of either counsel, and that I am in no way interested financially, directly or indirectly, in this action.

JAMIE ROLL, COURT REPORTER/ NOTARY

MY COMMISSION EXPIRES ON: 02/22/2023

SUBMITTED ON: 06/18/2015

EXHIBIT 10

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

OMEGA S.A. (OMEGA AG)) Opp. No. 9121449
(OMEGA LTD.),) (Parent)

Opposer,)

v.)

ALPHA OMEGA EPSILON, INC.,)

Applicant.)

OMEGA S.A. (OMEGA AG))
(OMEGA LTD.),)

Opp. No. 91214454
(Child)

Opposer,)

v.)

ALPHA OMEGA EPSILON, INC.,)

Applicant.)

OMEGA S.A. (OMEGA AG))
(OMEGA LTD.),)

Opp. No. 91214452
(Child)

Opposer,)

v.)

ALPHA OMEGA EPSILON, INC.,)

Applicant.)

OMEGA S.A. (OMEGA AG))
(OMEGA LTD.),)

Opp. No. 91214453
(Child)

Opposer,)

v.)

ALPHA OMEGA EPSILON, INC.,)

Applicant.)

DEPOSITION OF DANIEL SHAVER
Carlsbad, California
Thursday, June 18, 2015

Reported by:
ANELA SHERADIN, CSR NO. 9128

JOB NO. NY 2087871

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

OMEGA S.A. (OMEGA AG)) Opp. No. 9121449
(OMEGA LTD.) ,) (Parent)
Opposer,)

v.)
ALPHA OMEGA EPSILON, INC.,)
Applicant.)

OMEGA S.A. (OMEGA AG))
(OMEGA LTD.) ,) Opp. No. 91214454
Opposer,) (Child)

v.)
ALPHA OMEGA EPSILON, INC.,)
Applicant.)

OMEGA S.A. (OMEGA AG))
(OMEGA LTD.) ,) Opp. No. 91214452
Opposer,) (Child)

v.)
ALPHA OMEGA EPSILON, INC.,)
Applicant.)

OMEGA S.A. (OMEGA AG))
(OMEGA LTD.) ,) Opp. No. 91214453
Opposer,) (Child)

v.)
ALPHA OMEGA EPSILON, INC.,)
Applicant.)

Deposition of DANIEL SHAVER, taken on
behalf of Opposer, at 5751 Palmer Way, Suite G,
Carlsbad, California, beginning at 1:04 p.m. and
ending at 3:23 p.m. on Thursday, June 18, 2015,
before ANELA SHERADIN, Certified Shorthand Reporter No.
9128.

1 APPEARANCES:

2
3 For Opposer:

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9 BY: JACK A. WHEAT, ESQ.

400 West Market Street, Suite 1800

10 Louisville, Kentucky 40202-3352

502.681.0323

11 jwheat@stites.com

12 Also Present:

13 SELBY WERNER

14

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WITNESS

EXAMINATION

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DEPOSITION

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Exhibit 5 Shirt designs 49

1 Carlsbad, California, Thursday, June 18, 2015

2 1:04 p.m.

3 DANIEL SHAVER,

4 having been first administered an oath, was examined and
5 testified as follows:

6
7 EXAMINATION

8
9 BY MR. GULICK:

10 Q Can you please state your name and address for
11 the record?

12 A Yes. My name is Daniel Shaver. The address is
13 5751 Palmer Way, Suite G, Carlsbad, California.

14 Q Mr. Shaver, have you ever been deposed before?

15 A I have.

16 Q Just a small refresher. The court reporter is
17 going to be writing down or stenographically recording
18 all of our questions and answers here so, therefore, you
19 need to answer with a yes or a no for a response so that
20 it can be recorded. A nod won't necessarily tell the
21 court reporter anything. Okay?

22 A Yes.

23 Q Where are you currently employed?

24 A At Affinity Marketing Consultants.

25 Q And how long have you been employed at

1 Affinity?

2 A Since 1997.

3 Q Have you held any -- what's your current
4 position at Affinity?

5 A President and CEO.

6 Q Did you have any previous positions at the
7 company?

8 A No.

9 Q Can you tell me what your responsibilities are
10 as president of the company?

11 A To oversee all the operations of the company.

12 Q Can you briefly describe what your company
13 does?

14 A It manages the trademark licensing programs for
15 our clients.

16 (Exhibit 1 was marked for identification
17 by the court reporter and is attached hereto.)

18 BY MR. GULICK:

19 Q I'm going to show you what we're going to label
20 as Plaintiff's Exhibit 1. Just ask you to take a moment
21 to review that particular document.

22 A I'm ready.

23 Q Have you seen this particular document before?

24 A I have.

25 Q Can you tell me what it is?

1 individual names or lists or anything like that;
2 correct?

3 A I don't know. Which -- which paragraph are you
4 referring to?

5 Q I'm not referring to a paragraph. I just --

6 A I'm prepared to talk about these paragraphs.

7 Q Well, what I'm saying is you are saying there's
8 a niche market, but there's no records kept of whether
9 or not only people in Greek organizations are purchasing
10 these particular items; is that correct?

11 A In my 18 years of owning this company and my
12 considerable experience, I have never known somebody to
13 accidentally buy a product for an organization that they
14 don't -- are not a member of or don't have an affinity
15 for it.

16 Q I'm not asking you if they accidentally buy it.
17 I'm just asking if you have any particular documents
18 that would document the fact that only people in these
19 Greek organizations would be buying these particular
20 pieces of merchandise.

21 A Our vendors submit the name of their customers
22 as part of their royalty reports, but that could just be
23 their last name, it could be the name of the bookstore;
24 so it's not specific to, in every case, an actual
25 individual.

1 Q So, then, you wouldn't be able to specifically
2 say that all of the items that are purchased by the --
3 all of the items that are purchased are purchased by
4 either members or family members of members of these
5 Greek organizations?

6 A I'm saying as an expert in this market that --
7 who's known this market for over 20 years, that this
8 merchandise is only purchased by people who have a
9 direct affinity for the Greek organizations or are
10 themselves actually members of that Greek organization,
11 and that the general populous has no interest in nor
12 would buy merchandise with the Greek letters on it.

13 Those Greek letters have symbolism and meaning
14 that are specific to those individual Greek
15 organizations.

16 Q Is there any evidence in the exhibits you've
17 included to support that particular statement?

18 A I mean I'm not -- that's not what the exhibits
19 have supported. I think the exhibits speak to other
20 paragraphs in the Declaration.

21 Q So, then, that's a no, these exhibits don't --

22 A No, these exhibits speak to other parts of the
23 Declaration and do not specifically address your
24 question.

25 Q If you look at paragraph 11, there's a

1 A Yes.

2 Q And they're not separate agreements. They
3 usually -- each vendor receives the right to use any one
4 of those particular marks. Would that be correct?

5 A Generally.

6 Q And, typically, would these agreements have not
7 just one particular product or piece of merchandise in
8 mind but a multitude of merchandise? I'll give you a
9 for example. For example, there's -- you know, you
10 mentioned clothing and jewelry. So would it be typical
11 for most licensing agreements to have not only clothing
12 but jewelry as well?

13 A No.

14 Q So it would be sometimes it's for a particular
15 specific type of product, not a multitude of types of
16 products?

17 A It can be both but, yes, it is specific to
18 whatever that company sells; and they could sell
19 jewelry, they could sell jewelry and clothing, or they
20 could sell just clothing.

21 Q In your role as president of Affinity, would
22 you have personal knowledge as to when Alpha Omega
23 Epsilon first started using its marks?

24 A No, not specifically.

25 Q Would you have that specific knowledge for any

1 other particular Greek organization?

2 A Not specifically.

3 Q So, then -- I'm just going to give you an
4 example. So you wouldn't be able to tell me when Alpha
5 Phi Omega first started using its Greek letter mark for
6 T-shirts?

7 A I -- I couldn't tell you specifically. I
8 understand the market is that --

9 Q No, I just want to know if you would have
10 knowledge, based on what you do for them, of when they
11 first started using --

12 A It's usually in their trademark registration,
13 but yeah.

14 Q But I'm asking if you would know. You
15 wouldn't?

16 A No. No, not specifically.

17 Q You mentioned -- is it, greeklicensing.com is
18 your website?

19 A It is.

20 Q I'm going to show you what we'll mark as
21 Exhibit 3.

22 (Exhibit 3 was marked for identification
23 by the court reporter and is attached hereto.)

24 MR. GULICK: Jack, it has a marking on there,
25 but that's not the correct mark. That was one previous.

1 MR. WHEAT: I feel like I should ask seven more
2 minutes of questions. I'll ask one.

3 FURTHER EXAMINATION

4

5 BY MR. WHEAT:

6 Q Mr. Shaver, you asked me about how long this
7 deposition would take. And when did I say it would
8 probably be over?

9 A You said it probably will be over at 3:30.

10 Q Okay. And it's now 3:23. We found seven
11 minutes. Nothing further.

12 A Seven is a good number.

13 MR. GULICK: Before we go off the record, I
14 just want to make sure we're agreeing to waiving the
15 signature or do you want to review and sign?

16 MR. WHEAT: I'm fine with waiver.

17 Mr. Shaver, what that means is you can read it,
18 if you want to, and say she said "a" and I said "ah."
19 But you don't have to unless you want to. If you are
20 willing to waive --

21 THE WITNESS: Plenty busy. I'm happy to waive.

22 THE REPORTER: Off the record?

23 MR. GULICK: Yes.

24 (TIME NOTED: 3:23 p.m.)

25

I, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were duly sworn; that a record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; that the foregoing transcript is a true record of the testimony given.

Further, that if the foregoing pertains to the original transcript of a deposition in a Federal Case, before completion of the proceedings, review of the transcript [] was [] was not requested.

I further certify I am neither financially interested in the action nor a relative or employee of any attorney or party to this action.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: June 30th, 2015



ANELA SHERADIN

CSR NO. 9128

EXHIBIT 11



PRESS INFORMATION for immediate release

OMEGA announces worldwide Co-Axial advertising campaign

OMEGA is kicking off a worldwide advertising campaign in celebration of the tenth anniversary of its revolutionary Co-Axial escapement.

The advertisements feature photographs of OMEGA's brand ambassadors sporting loupes, the magnifying glasses favoured by watchmakers.

Inspired by OMEGA's award-winning advertisement

The visuals were inspired by OMEGA's award-winning "Watchmaker Wanted" campaign, which featured a Greg Williams photograph of George Clooney wearing a lab coat and a loupe.

In one of the new advertisements, Apollo 11 astronaut Buzz Aldrin, the first man to walk on the Moon wearing an OMEGA Speedmaster, appears with the headline, "It's not rocket science. But it's close."

Formula One superstar Michael Schumacher's Co-Axial advertisement describes the steady, constant performance of the movements with the legend, "When faster isn't better."

All of OMEGA's high-flying ambassadors are taking part in the campaign including George Clooney, Michael Phelps, Nicole Kidman, Cindy Crawford, Zhang Ziyi, and Sergio Garcia.

The advertising texts have been written with reference to the ambassadors' professional fields of endeavour and an aspect of OMEGA's Co-Axial movements. Swimmer Phelps's ad talks about the importance of timing. Super model Crawford's copy is about the fashion statement made by the movements.

For further information, please contact: OMEGA International Press Office - Rue Stämpfli 96 - 2504 Bienne - Switzerland -
Tel. +41 32 343 9211 - Fax +41 32 343 9715 - press@omega.ch - www.omegawatches.com

OMEGA is a company of the Swatch Group, the largest manufacturer and distributor of watches and jewellery in the world.

The other "stars" in the adverts: OMEGA's Co-Axial calibres

The Co-Axial escapement, introduced in 1999, was the first practical new watch escapement to be developed in some 250 years. The escapement is, in simple terms, the heart of the mechanical watch. It maintains the oscillations of the balance, the watch's regulating mechanism. The Co-Axial Escapement reduces the friction among the parts that transmit energy from one component to another, resulting in longer service intervals, a reduced need for lubrication and, above all, greater stability of the watch's precision over time.

Since 2007 OMEGA has been producing its exclusive Co-Axial calibres in house comprising more than 200 parts.

"Co-Axial has been a turning point"

Commenting on the advertisements, OMEGA president Stephen Urquhart said, "The Co-Axial has been a turning point for us. It has given substance to our message. Creating a campaign around the quality of OMEGA's Co-Axial movements using these pictures of our brand ambassadors is an innovative and eye-catching way to communicate how proud we are that the calibres have been so well received and how confident we are about the role they will play in OMEGA's future."



For further information, please contact: OMEGA International Press Office - Rue Stampfli 96 - 2504 Bienne - Switzerland -
Tel. +41 32 343 9211 - Fax +41 32 343 9715 - press@omega.ch - www.omegawatches.com

OMEGA is a company of the Swatch Group, the largest manufacturer and distributor of watches and jewellery in the world.

OSA 001662



Ω
OMEGA

ANNA KOURNIKOVA

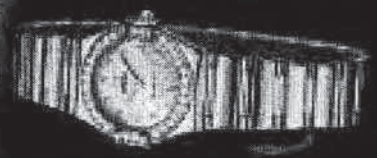
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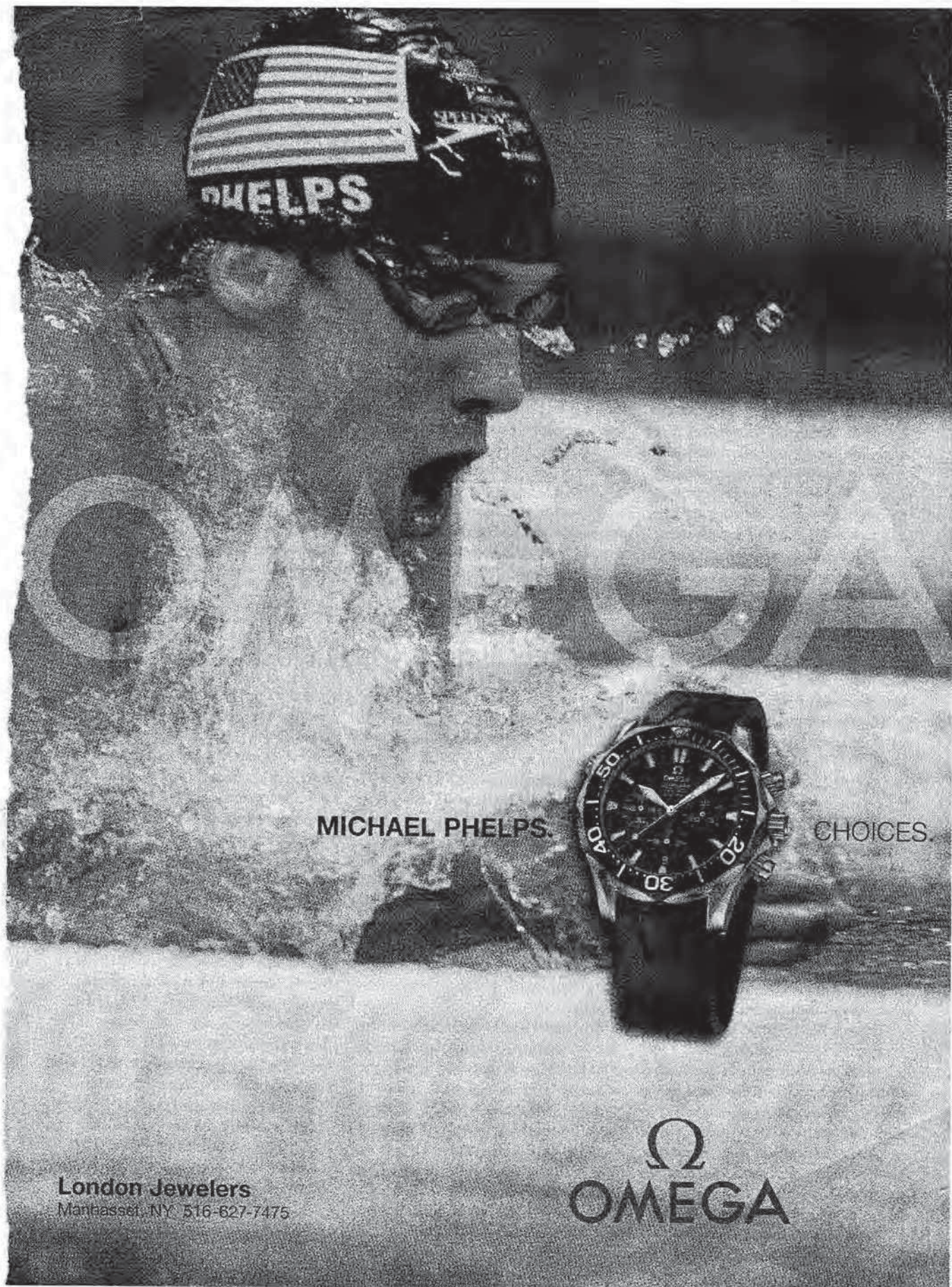
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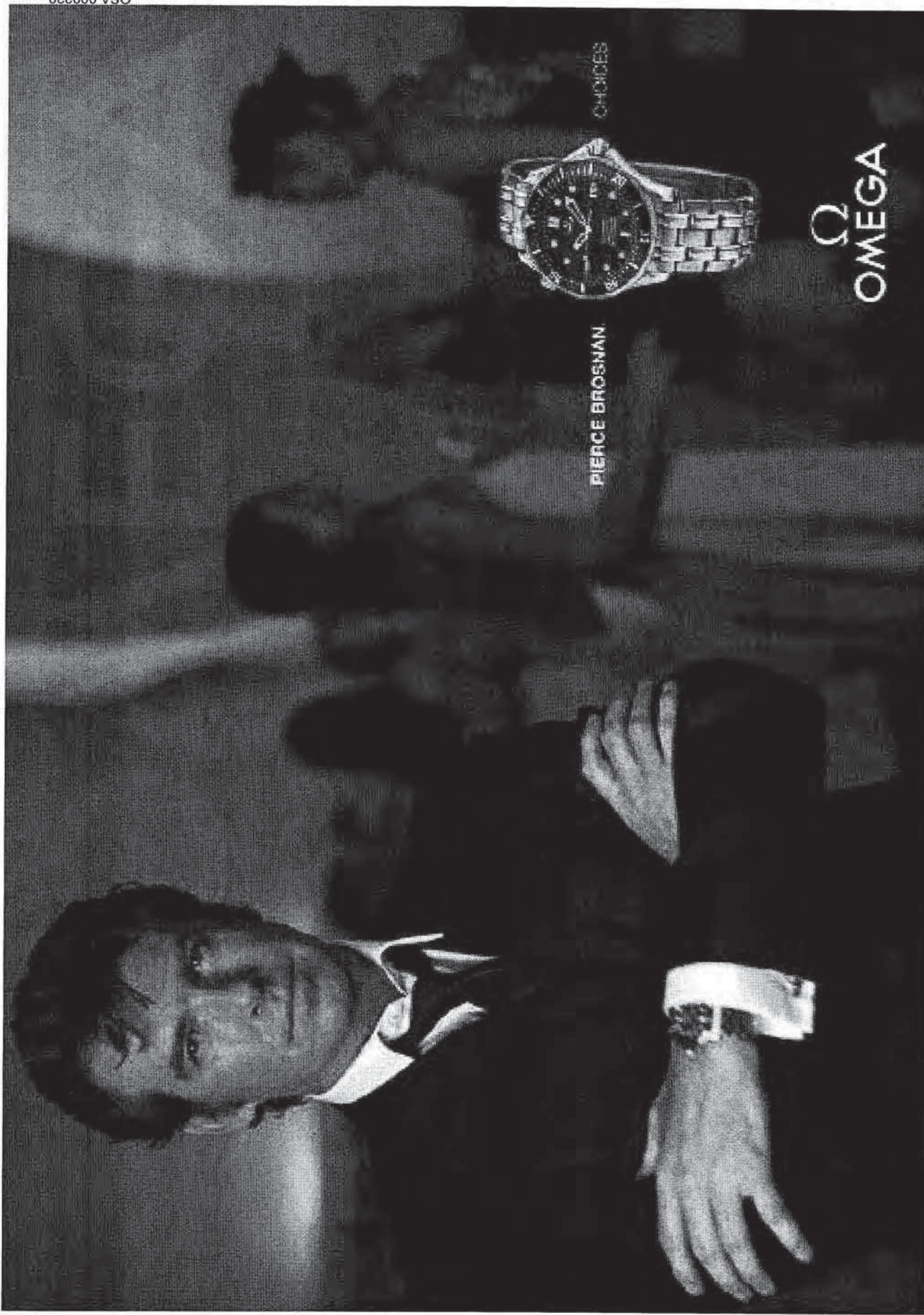


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